

Thanks, Steve — regarding the

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

John

**From:** Neugeboren, Steven

**Sent:** Wednesday, April 05, 2017 2:03 PM

**To:** Christensen, Damaris <Christensen.Damaris@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>

**Cc:** Jennifer Moyer <Jennifer.A.Moyer@usace.army.mil>; Stacey Jensen <Stacey.M.Jensen@usace.army.mil>; Bowles, Jack <Bowles.Jack@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>

**Subject:** RE: FedConInvite2WOTUS2.docx

A few commens attached.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Steven Neugeboren

Associate General Counsel

Water Law Office

Environmental Protection Agency

202-564-5488

**From:** Christensen, Damaris

**Sent:** Wednesday, April 05, 2017 1:23 PM

**To:** Goodin, John <Goodin.John@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>

**Cc:** Jennifer Moyer <Jennifer.A.Moyer@usace.army.mil>; Stacey Jensen <Stacey.M.Jensen@usace.army.mil>; Bowles, Jack <Bowles.Jack@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>

**Subject:** FedConInvite2WOTUS2.docx

Hi all,

Attached is a revised draft federalism letter. The changes I made in response to this morning's meeting are in the

Deliberative Process / Ex. 5

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Please get back to me with any changes (or a commitment to providing them) by 3:30 this afternoon.

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

I've copied OW and OGC and Corps here, if I should distribute more broadly please let me know and/or feel free to forward.

Damaris

**To:** Christensen, Damaris[Christensen.Damaris@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]  
**Cc:** Talty, Mark[Talty.Mark@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Wed 4/5/2017 8:18:16 PM  
**Subject:** RE: FedConInvite2WOTUS2.docx

We'll make the **Deliberative Process / Ex. 5**

**From:** Christensen, Damaris  
**Sent:** Wednesday, April 05, 2017 3:23 PM  
**To:** Hanson, Andrew <Hanson.Andrew@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>  
**Cc:** Talty, Mark <Talty.Mark@epa.gov>  
**Subject:** RE: FedConInvite2WOTUS2.docx  
**Importance:** High

All,  
A couple of changes to the **Deliberative Process / Ex. 5** I'd like you to weigh in on ASAP.

**Deliberative Process / Ex. 5**

Here is are two rewrites of the **Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

**From:** Hanson, Andrew  
**Sent:** Wednesday, April 05, 2017 2:10 PM  
**To:** Goodin, John <Goodin.John@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>  
**Subject:** Re: FedConInvite2WOTUS2.docx

Guys, I'll be on the run 'til about 4. If there are substantive changes, I'll likely need to run them back by Jack.  
On Apr 5, 2017, at 2:07 PM, Goodin, John <Goodin.John@epa.gov> wrote:

Thanks, Steve— regarding the **Deliberative Process / Ex. 5**  
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John

**From:** Neugeboren, Steven  
**Sent:** Wednesday, April 05, 2017 2:03 PM  
**To:** Christensen, Damaris <Christensen.Damaris@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>;

Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>

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Subject: RE: FedConInvite2WOTUS2.docx

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Steven Neugeboren  
Associate General Counsel  
Water Law Office  
Environmental Protection Agency  
202-564-5488

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**Subject:** FedConInvite2WOTUS2.docx

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**To:** Hanson, Andrew[Hanson.Andrew@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]  
**Cc:** Talty, Mark[Talty.Mark@epa.gov]  
**From:** Christensen, Damaris  
**Sent:** Wed 4/5/2017 8:04:21 PM  
**Subject:** RE: FedConInvite2WOTUS2.docx

New and revised – let me know ASAP if you will be weighing in - we will probably need to circulate the letter soon –

# Deliberative Process / Ex. 5

**From:** Christensen, Damaris  
**Sent:** Wednesday, April 05, 2017 3:22 PM  
**To:** Hanson, Andrew <Hanson.Andrew@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Jack Bowles <Bowles.Jack@epa.gov>  
**Cc:** Talty, Mark <Talty.Mark@epa.gov>  
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Water Law Office

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**Cc:** Talty, Mark[Talty.Mark@epa.gov]  
**From:** Christensen, Damaris  
**Sent:** Wed 4/5/2017 7:22:30 PM  
**Subject:** RE: FedConInvite2WOTUS2.docx

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Steven Neugeboren  
Associate General Counsel

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**To:** Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Downing, Donna <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>; Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>  
**Cc:** Jennifer Moyer <[Jennifer.A.Moyer@usace.army.mil](mailto:Jennifer.A.Moyer@usace.army.mil)>; Stacey Jensen <[Stacey.M.Jensen@usace.army.mil](mailto:Stacey.M.Jensen@usace.army.mil)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>; Talty, Mark <[Talty.Mark@epa.gov](mailto:Talty.Mark@epa.gov)>; Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>  
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I've copied OW and OGC and Corps here, if I should distribute more broadly please let me know and/or feel free to forward.

Damaris

Message

**Sent:** 5/15/2017 8:58:11 PM  
**To:** Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]  
**Subject:** RE: Redirects should be working now

But if you use all caps for “cleanwaterrule” it does not redirect. Is that intenitonal

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722 | Cell: Personal Phone / Ex. 6

Greenwalt.Sarah@epa.gov

---

**From:** Grantham, Nancy  
**Sent:** Monday, May 15, 2017 4:55 PM  
**To:** Hart, Daniel <Hart.Daniel@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Orquina, Jessica <Orquina.Jessica@epa.gov>  
**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Fagan, Susan <Fagan.Susan@epa.gov>  
**Subject:** RE: Redirects should be working now

Looks terrific //thanks all

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**

Personal Phone / Ex. 6 (mobile)

---

**From:** Hart, Daniel  
**Sent:** Monday, May 15, 2017 4:53 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Orquina, Jessica <Orquina.Jessica@epa.gov>  
**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Fagan, Susan <Fagan.Susan@epa.gov>  
**Subject:** Redirects should be working now

We're seeing the redirects working now

[www.epa.gov/cleanwaterrule](http://www.epa.gov/cleanwaterrule) redirects to <https://www.epa.gov/wotus-rule>

Daniel (Danny) Hart | Director, Office of Web Communication, Office of Public Affairs, U.S. EPA | desk: 202-564-7577 |  
cell: Personal Phone / Ex. 6

---

**From:** Bowman, Liz  
**Sent:** Monday, May 15, 2017 4:36 PM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: Draft WOTUS Web Press Release

Attached, please find the final release with Army's edits incorporated. We will hit send as soon as I get the word from Danny that we are live and ready to go. Thanks for your help – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 1:02 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: Draft WOTUS Web Press Release

Yes, giving Army and Corps a heads up would be good. Either I can send or you can send it to Cindy Barger and she can coordinate.

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Monday, May 15, 2017 1:00 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: Draft WOTUS Web Press Release

Press release is attached (with Sarah and Mindy's edits incorporated); should we send this to Army to let them know we are sending it. Who can I contact over there?

Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 12:42 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
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Thanks Liz,  
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Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Monday, May 15, 2017 12:34 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** Draft WOTUS Web Press Release

Hi Mindy – Attached, please find the draft press release; please review for accuracy and send me any necessary edits in tracked changes. Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 10:47 AM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: About WOTUS Page

Hi Nancy,  
We're still waiting for some comments on the site, so we'll keep everyone posted.

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
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<MacKinnon.Kathleen@epa.gov>; Hart, Daniel <Hart.Daniel@epa.gov>

**Subject:** RE: About WOTUS Page

Checking in on timing here so OEI has an idea of when they will be turning on the redirect (the new page needs to be live prior to that happening).

Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  
**Personal Phone / Ex. 6 (mobile)**

---

**From:** Eisenberg, Mindy

**Sent:** Friday, May 12, 2017 3:27 PM

**To:** Bowman, Liz <Bowman.Liz@epa.gov>

**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Dibble, Christine <Dibble.Christine@epa.gov>; MacKinnon, Kathleen <MacKinnon.Kathleen@epa.gov>

**Subject:** RE: About WOTUS Page

Thanks Liz. Haven't heard from Sarah yet. I think it may be better to aim for Monday afternoon to go live so we can have OGC, Sarah and Army take last review and then make any necessary edits.

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz

**Sent:** Friday, May 12, 2017 3:13 PM

**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>

**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Dibble, Christine <Dibble.Christine@epa.gov>; MacKinnon, Kathleen <MacKinnon.Kathleen@epa.gov>

**Subject:** Re: About WOTUS Page

As long as Sarah also looks at it all, it looks good to me from a comm side. I still need to work up a draft press release. I have been focused on Pebble Mine, so I will probably need to do the release over the weekend :/. It shouldn't be too complicated.

Sent from my iPhone

On May 12, 2017, at 2:04 PM, Eisenberg, Mindy <Eisenberg.Mindy@epa.gov> wrote:

Hi Liz,

You were interested in seeing where some of the links went. In the attachments that Brittany PDF'ed the links are live. However, some of these pages (such as **Deliberative Process / Ex. 5**) are not public yet and can only be accessed when logged into WCMS. If you would like for Brittany to walk you through, she can come over to your office.

Thanks!

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Thursday, May 11, 2017 3:42 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>  
**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>  
**Subject:** RE: About WOTUS Page

A few questions/edits:

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- 
- 
- 

## Deliberative Process / Ex. 5

Thank you for your help and work on this! Please let me know if you have further questions. Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Thursday, May 11, 2017 12:25 PM  
**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>  
**Subject:** FW: About WOTUS Page

Hi Liz and Sarah,

Please use this PDF for "About WOTUS" on the new website. A couple of pages accidentally got left off.

Thanks!

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bennett, Brittany  
**Sent:** Thursday, May 11, 2017 11:53 AM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Subject:** About WOTUS Page

Mindy – It looks like the last page of the About WOTUS webpage is missing from the email you guys received. I'm not sure how this happened, but I'm attaching a new version that has the last page included. This includes links to the wetlands page and other CWA programs.

B

**Brittany K. Bennett**  
Ecologist  
U.S. EPA, Office of Water  
ph: 202.564.1896  
[Bennett.Brittany@epa.gov](mailto:Bennett.Brittany@epa.gov)

<About WOTUS with Links v2.pdf>

<404 WOTUS with Links.pdf>

**To:** Schwab, Justin[schwab.justin@epa.gov]  
**Cc:** Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]  
**Sent:** Tue 4/25/2017 6:01:10 PM  
**Subject:** RE: WOTUS preamble edits from SG and JS

**Deliberative Process / ACP Ex. 5**

**Sarah A. Greenwalt**  
Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency  
Work: 202-564-1722 | Cell: **Personal Phone / Ex. 6**  
Greenwalt.Sarah@epa.gov

---

**From:** Schwab, Justin  
**Sent:** Tuesday, April 25, 2017 1:49 PM  
**To:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
**Cc:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Re: WOTUS preamble edits from SG and JS

**Deliberative Process / ACP Ex. 5**

Sent from my iPhone  
On Apr 25, 2017, at 1:46 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Greenwalt, Sarah has shared a OneDrive for Business file with you. To view it, click the link below.

<image00001.png> WOTUS step 1 preamble draft 4-25 (SG and JS edits).docx

Steve - Attached is a redline of the preamble. A few other thoughts:

- 1.
2. **Deliberative Process / ACP Ex. 5**
- 3.
- 4.

Let me know if you have any other questions for me.

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722 | Cell: Personal Phone / Ex. 6

[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

Message

**From:** Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]  
**Sent:** 6/5/2017 7:03:13 PM  
**To:** Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]  
**CC:** Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]  
**Subject:** Re: AD To-Do List

This is amazing! Thank you Alex. One other item to add to your air "become and expert" list is: SNAP (significant new alternatives policy), which is administered pursuant to epas stratospheric ozone authority. There should be a few backgrounders on that on my memos from Sarah Dunham/Josh Lewis.

Thank you!!

Sent from my iPhone

On Jun 5, 2017, at 2:55 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

Sarah and Mandy - While you're away I've come up with some various projects and daily checklist items I'll work on. If you have time on your flight to review let me know if these are acceptable for you both. If there is anything you would like me to work on or omit just let me know.

- <!--[if !supportLists]--><!--[endif]-->Daily voicemail checks (AM and PM)
  - <!--[if !supportLists]--><!--[endif]-->Will write down so you have a hard copy in addition to sending you electronically.
- <!--[if !supportLists]--><!--[endif]-->Daily news clips
  - <!--[if !supportLists]--><!--[endif]-->I'm sure you won't have time to catch up the news so will send any relevant news articles on issues such as: WOTUS, Administrator Pruitt, G7 (as it relates to the U.S. and Pruitt), Paris Agreement, RFS, EPA (general), Flint, Clean Power Plan, Trump-EPA, Congress-EPA, etc.
  - <!--[if !supportLists]--><!--[endif]-->If you have any other specific topics you'd like me to watch out for let me know.
- <!--[if !supportLists]--><!--[endif]-->Scanning/Organization
  - <!--[if !supportLists]--><!--[endif]-->If ok with you both I'll digitize your manila folders of the various topics you are working on. If you don't want them messed with understand completely just let me know and I'll leave them be.
- <!--[if !supportLists]--><!--[endif]-->WOTUS
  - <!--[if !supportLists]--><!--[endif]-->Become a WOTUS expert! Sarah I am about to start working on the options for definitions chart you provided me and will make some comments on a pdf to send to you. As I mentioned before I noticed Deliberative Process / Ex. 5
- <!--[if !supportLists]--><!--[endif]-->Concentrated Feeding Operations and Vegetative Treatment Areas
  - <!--[if !supportLists]--><!--[endif]-->Sarah this is in regards to the phone call from Friday with the Wisconsin Department of Natural Resources. I'll do a general overview write up for you and Tate on the subject. If you need me to do anything else with it can move forward from there or wait until you get back
- <!--[if !supportLists]--><!--[endif]-->Scheduling

**Deliberative Process / Ex. 5**

- <!--[if !supportLists]--><!--[endif]-->Please feel free to send me any meeting requests and I can set those up for you. If you would like me to include any additional staff just make note, if not I'll just assume it will be a one-on-one.
- <!--[if !supportLists]--><!--[endif]-->Air issues
  - <!--[if !supportLists]--><!--[endif]-->Familiarize myself more with RFS -RVP and POO, CAFÉ, Regional Haze, and Ozone. Mandy – any others you think I should get a firmer grasp on right now just let me know.

Additionally, since you will be 6 hours ahead feel free to call anytime if there something you need – I'll make sure not to silence the work phone at night. Of course if you need something from the office and it is 3AM over here that may be a little tricky but I'll bring my computer home with me daily and do what I can.

Safe travels and have a great trip.

Alex

**Alex Dominguez**

*Policy Analyst to the Senior Advisor to  
the Administrator for Air and Radiation*  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

Message

**From:** Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]  
**Sent:** 5/23/2017 9:44:56 PM  
**To:** Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]  
**CC:** Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]  
**Subject:** Re: WOTUS tour

**Deliberative Process / Ex. 5**

On May 23, 2017, at 5:41 PM, Lyons, Troy <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)> wrote:

Let's all find time to meet on this. Same group as last week.

Sent from my iPhone

On May 23, 2017, at 5:33 PM, Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)> wrote:

I will get with Tate and update this all. The only thing that I care about

Deliberative Process / Ex. 5

**Deliberative Process / Ex. 5**

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# Deliberative Process / Ex. 5

**From:** Lyons, Troy  
**Sent:** Tuesday, May 23, 2017 9:53 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Subject:** Re: WOTUS tour

We will want to coordinate w Deliberative Process / Ex. 5

Sent from my iPhone

On May 23, 2017, at 9:51 AM, Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)> wrote:

Thanks! Jahan can you add Deliberative Process / Ex. 5

**From:** Lyons, Troy  
**Sent:** Tuesday, May 23, 2017 9:51 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Subject:** Re: WOTUS tour

Adding Jahan who was putting together a list of states/cities we should hit and then we would build out from there.

He is doing the same with the August travel.

Sent from my iPhone

On May 23, 2017, at 9:48 AM, Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)> wrote:

Sarah-You had asked about an update on the WOTUS tour this AM. Still need to run it by RJ, but I don't anticipate a problem. Deliberative Process / Ex. 5

**Deliberative Process / Ex. 5**

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**Deliberative Process / Ex. 5**

## **Deliberative Process / Ex. 5**

Elizabeth Tate Bennett  
Senior Deputy Associate Administrator  
Congressional and Intergovernmental Affairs  
Office of the Administrator  
U.S. Environmental Protection Agency

Message

**From:** Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]  
**Sent:** 5/23/2017 9:41:38 PM  
**To:** Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]  
**CC:** Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]  
**Subject:** Re: WOTUS tour

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**Deliberative Process / Ex. 5**

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Elizabeth Tate Bennett  
Senior Deputy Associate Administrator  
Congressional and Intergovernmental Affairs  
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U.S. Environmental Protection Agency

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**CC:** Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]  
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**Deliberative Process / Ex. 5**

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**Deliberative Process / Ex. 5**

Elizabeth Tate Bennett  
Senior Deputy Associate Administrator  
Congressional and Intergovernmental Affairs  
Office of the Administrator  
U.S. Environmental Protection Agency

Message

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**From:** Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]  
**Sent:** 5/19/2017 4:04:27 PM  
**To:** Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]  
**CC:** Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Graham, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=26722dfde5b34925b0ad9a8dd4aff308-Graham, Amy]; Ferguson, Lincoln [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08cd7f82606244de96b61b96681c46de-Ferguson, L]; Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]  
**Subject:** DRAFT: July and August Tours  
**Attachments:** 05.19.2017 Regional Press and State Events Plan .docx

Troy, Tate and Christian –

Attached is a very rough draft of cities and suggested tours that we can do in July and August.

Jahan Wilcox

EPA

Strategic Communications Advisor

Work Cell: Personal Phone / Ex. 6

Work Email: wilcox.jahan@epa.gov

Message

**From:** Fagan, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=636207286DC84C7DA82900AEC48F7277-FAGAN,SUSAN]  
**Sent:** 5/15/2017 9:21:47 PM  
**To:** Hart, Daniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c6c7bdc1904543f497682a2da94a1119-Hart, Daniel]; Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]  
**CC:** Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Eisenberg, Mindy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfb4c26bb6f44c7db69f9884628b3ef9-Eisenberg, Mindy]; Orquina, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=35f8dbb8836e42cc8fff027b4bc54c86-Orquina, Jessica]; Bennett, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3d7b265c202c467791ca4d4ac6b8db8b-Bennett, Br]  
**Subject:** RE: Redirects should be working now

We did not know about the CLEANWATERRULE URL and it was not in the redirect list with the other ones in the same location. It is very unusual to have ALL caps URLs. But we are working on finding it now.

Thanks  
Susan Fagan  
US EPA, Office of Environmental Information, Office of Information Management  
Web Content Services Division (MC 2843)  
Phone: 202-566-2021 Fax: 202-566-0711  
EPA Cell #

**CONFIDENTIAL COMMUNICATION**

This e-mail message is intended only for the use of the addressee. It may contain information that is privileged and confidential. Unauthorized use, dissemination, distribution, or copying is strictly prohibited.

---

**From:** Hart, Daniel  
**Sent:** Monday, May 15, 2017 5:08 PM  
**To:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
**Cc:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Orquina, Jessica <Orquina.Jessica@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Fagan, Susan <Fagan.Susan@epa.gov>  
**Subject:** Re: Redirects should be working now

We're told it will take a few mins for cache to clear. The servers are worldwide.

**Daniel (Danny) Hart** | Director of Web Communications | Office of Public Affairs | U.S. EPA | [Tel:202.564.7577](tel:202.564.7577) | cell:

On May 15, 2017, at 5:01 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Agreed. Well done, everyone!

One quick thing, I am finding that if you were to google “clean water rule” and click on the first link it does not redirect. Similarly it will not redirect if “clean water rule” is in all-caps. Is this intentional? Or will it just take a bit more time for everything to redirect to the new site?

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722 | Cell: Personal Phone / Ex. 6

[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

---

**From:** Grantham, Nancy

**Sent:** Monday, May 15, 2017 4:55 PM

**To:** Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Orquina, Jessica <[Orquina.Jessica@epa.gov](mailto:Orquina.Jessica@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>

**Subject:** RE: Redirects should be working now

Looks terrific //thanks all

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

Personal Phone / Ex. 6 **(mobile)**

---

**From:** Hart, Daniel

**Sent:** Monday, May 15, 2017 4:53 PM

**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Orquina, Jessica <[Orquina.Jessica@epa.gov](mailto:Orquina.Jessica@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>

**Subject:** Redirects should be working now

We're seeing the redirects working now

[www.epa.gov/cleanwaterrule](http://www.epa.gov/cleanwaterrule) redirects to <https://www.epa.gov/wotus-rule>

Daniel (Danny) Hart | Director, Office of Web Communication, Office of Public Affairs, U.S. EPA | desk:  
202-564-7577 | cell: Personal Phone / Ex. 6

---

**From:** Bowman, Liz

**Sent:** Monday, May 15, 2017 4:36 PM

**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>

**Subject:** RE: Draft WOTUS Web Press Release

Attached, please find the final release with Army's edits incorporated. We will hit send as soon as I get the word from Danny that we are live and ready to go. Thanks for your help – Liz

---

**From:** Eisenberg, Mindy

**Sent:** Monday, May 15, 2017 1:02 PM

**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>;

Fagan, Susan <[Fagan.Susan@epa.gov](mailto: Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon,

Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>

**Subject:** RE: Draft WOTUS Web Press Release

Yes, giving Army and Corps a heads up would be good. Either I can send or you can send it to Cindy Barger and she can coordinate.

Mindy Eisenberg

Acting Director, Wetlands Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

[eisenberg.mindy@epa.gov](mailto: eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz

**Sent:** Monday, May 15, 2017 1:00 PM

**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto: Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>;

Fagan, Susan <[Fagan.Susan@epa.gov](mailto: Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon,

Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>

**Subject:** RE: Draft WOTUS Web Press Release

Press release is attached (with Sarah and Mindy's edits incorporated); should we send this to Army to let them know we are sending it. Who can I contact over there?

Thank you – Liz

---

**From:** Eisenberg, Mindy

**Sent:** Monday, May 15, 2017 12:42 PM

**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>;

Fagan, Susan <[Fagan.Susan@epa.gov](mailto: Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon,

Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>

**Subject:** RE: Draft WOTUS Web Press Release

Thanks Liz,

Here are a few edits. Let me know if you have any questions.

Mindy

Mindy Eisenberg

Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Monday, May 15, 2017 12:34 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** Draft WOTUS Web Press Release

Hi Mindy – Attached, please find the draft press release; please review for accuracy and send me any necessary edits in tracked changes. Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 10:47 AM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: About WOTUS Page

Hi Nancy,  
We're still waiting for some comments on the site, so we'll keep everyone posted.

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Grantham, Nancy  
**Sent:** Monday, May 15, 2017 10:01 AM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: About WOTUS Page

Checking in on timing here so OEI has an idea of when they will be turning on the redirect (the new page needs to be live prior to that happening).

Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  
Personal Phone / Ex. 6 **(mobile)**

---

**From:** Eisenberg, Mindy  
**Sent:** Friday, May 12, 2017 3:27 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>  
**Subject:** RE: About WOTUS Page

Thanks Liz. Haven't heard from Sarah yet. I think it may be better to aim for Monday afternoon to go live so we can have OGC, Sarah and Army take last review and then make any necessary edits.

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto: eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Friday, May 12, 2017 3:13 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto: Eisenberg.Mindy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>  
**Subject:** Re: About WOTUS Page

As long as Sarah also looks at it all, it looks good to me from a comm side. I still need to work up a draft press release. I have been focused on Pebble Mine, so I will probably need to do the release over the weekend :/. It shouldn't be too complicated.

Sent from my iPhone

On May 12, 2017, at 2:04 PM, Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto: Eisenberg.Mindy@epa.gov)> wrote:

Hi Liz,

You were interested in seeing where some of the links went. In the attachments that Brittany PDF'ed the links are live. However, some of these pages (such as Deliberative Process / Ex. 5)

Deliberative Process / Ex. 5 are not public yet and can only be accessed when

logged into WCMS. If you would like for Brittany to walk you through, she can come over to your office.

Thanks!

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Thursday, May 11, 2017 3:42 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>  
**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; Mackinnon, Kathleen <[Mackinnon.Kathleen@epa.gov](mailto:Mackinnon.Kathleen@epa.gov)>  
**Subject:** RE: About WOTUS Page

A few questions/edits:

- 
- 
- 
- 
- 
- 
- 
- 

## Deliberative Process / Ex. 5

Thank you for your help and work on this! Please let me know if you have further questions. Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Thursday, May 11, 2017 12:25 PM

**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>  
**Subject:** FW: About WOTUS Page

Hi Liz and Sarah,  
Please use this PDF for "About WOTUS" on the new website. A couple of pages accidentally got left off.

Thanks!  
Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bennett, Brittany  
**Sent:** Thursday, May 11, 2017 11:53 AM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Subject:** About WOTUS Page

Mindy – It looks like the last page of the About WOTUS webpage is missing from the email you guys received. I'm not sure how this happened, but I'm attaching a new version that has the last page included. This includes links to the wetlands page and other CWA programs.

B

**Brittany K. Bennett**  
Ecologist  
U.S. EPA, Office of Water  
ph: 202.564.1896  
[Bennett.Brittany@epa.gov](mailto:Bennett.Brittany@epa.gov)

<About WOTUS with Links v2.pdf>  
<404 WOTUS with Links.pdf>

Message

**From:** Fagan, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=636207286DC84C7DA82900AEC48F7277-FAGAN,SUSAN]  
**Sent:** 5/15/2017 9:09:53 PM  
**To:** Hart, Daniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c6c7bdc1904543f497682a2da94a1119-Hart, Daniel]; Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]  
**CC:** Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Eisenberg, Mindy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfb4c26bb6f44c7db69f9884628b3ef9-Eisenberg, Mindy]; Orquina, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=35f8dbb8836e42cc8fff027b4bc54c86-Orquina, Jessica]; Bennett, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3d7b265c202c467791ca4d4ac6b8db8b-Bennett, Br]  
**Subject:** RE: Redirects should be working now

This is from google.com?

What is the URL of the site that doesn't redirect?

Thanks

Susan Fagan

US EPA, Office of Environmental Information, Office of Information Management

Web Content Services Division (MC 2843)

Phone: 202-566-2021 Fax: 202-566-0711

EPA Cell #

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---

**From:** Hart, Daniel

**Sent:** Monday, May 15, 2017 5:08 PM

**To:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>

**Cc:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Orquina, Jessica <Orquina.Jessica@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Fagan, Susan <Fagan.Susan@epa.gov>

**Subject:** Re: Redirects should be working now

We're told it will take a few mins for cache to clear. The servers are worldwide.

**Daniel (Danny) Hart** | Director of Web Communications | Office of Public Affairs | U.S. EPA | [Tel:202.564.7577](tel:202.564.7577) | cell:

On May 15, 2017, at 5:01 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Agreed. Well done, everyone!

One quick thing, I am finding that if you were to google “clean water rule” and click on the first link it does not redirect. Similarly it will not redirect if “clean water rule” is in all-caps. Is this intentional? Or will it just take a bit more time for everything to redirect to the new site?

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722 | Cell: Personal Phone / Ex. 6

[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

---

**From:** Grantham, Nancy

**Sent:** Monday, May 15, 2017 4:55 PM

**To:** Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Orquina, Jessica <[Orquina.Jessica@epa.gov](mailto:Orquina.Jessica@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>

**Subject:** RE: Redirects should be working now

Looks terrific //thanks all

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

Personal Phone / Ex. 6 **(mobile)**

---

**From:** Hart, Daniel

**Sent:** Monday, May 15, 2017 4:53 PM

**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Orquina, Jessica <[Orquina.Jessica@epa.gov](mailto:Orquina.Jessica@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>

**Subject:** Redirects should be working now

We're seeing the redirects working now

[www.epa.gov/cleanwaterrule](http://www.epa.gov/cleanwaterrule) redirects to <https://www.epa.gov/wotus-rule>

Daniel (Danny) Hart | Director, Office of Web Communication, Office of Public Affairs, U.S. EPA | desk:

202-564-7577 | cell: Personal Phone / Ex. 6

---

**From:** Bowman, Liz

**Sent:** Monday, May 15, 2017 4:36 PM

**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>

**Subject:** RE: Draft WOTUS Web Press Release

Attached, please find the final release with Army's edits incorporated. We will hit send as soon as I get the word from Danny that we are live and ready to go. Thanks for your help – Liz

---

**From:** Eisenberg, Mindy

**Sent:** Monday, May 15, 2017 1:02 PM

**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>;

Fagan, Susan <[Fagan.Susan@epa.gov](mailto: Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon,

Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>

**Subject:** RE: Draft WOTUS Web Press Release

Yes, giving Army and Corps a heads up would be good. Either I can send or you can send it to Cindy Barger and she can coordinate.

Mindy Eisenberg

Acting Director, Wetlands Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

[eisenberg.mindy@epa.gov](mailto: eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz

**Sent:** Monday, May 15, 2017 1:00 PM

**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto: Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>;

Fagan, Susan <[Fagan.Susan@epa.gov](mailto: Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon,

Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>

**Subject:** RE: Draft WOTUS Web Press Release

Press release is attached (with Sarah and Mindy's edits incorporated); should we send this to Army to let them know we are sending it. Who can I contact over there?

Thank you – Liz

---

**From:** Eisenberg, Mindy

**Sent:** Monday, May 15, 2017 12:42 PM

**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>;

Fagan, Susan <[Fagan.Susan@epa.gov](mailto: Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon,

Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>

**Subject:** RE: Draft WOTUS Web Press Release

Thanks Liz,

Here are a few edits. Let me know if you have any questions.

Mindy

Mindy Eisenberg

Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**From:** Bowman, Liz  
**Sent:** Monday, May 15, 2017 12:34 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** Draft WOTUS Web Press Release

Hi Mindy – Attached, please find the draft press release; please review for accuracy and send me any necessary edits in tracked changes. Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 10:47 AM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: About WOTUS Page

Hi Nancy,  
We're still waiting for some comments on the site, so we'll keep everyone posted.

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Grantham, Nancy  
**Sent:** Monday, May 15, 2017 10:01 AM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: About WOTUS Page

Checking in on timing here so OEI has an idea of when they will be turning on the redirect (the new page needs to be live prior to that happening).

Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  
Personal Phone / Ex. 6 (mobile)

---

**From:** Eisenberg, Mindy  
**Sent:** Friday, May 12, 2017 3:27 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>  
**Subject:** RE: About WOTUS Page

Thanks Liz. Haven't heard from Sarah yet. I think it may be better to aim for Monday afternoon to go live so we can have OGC, Sarah and Army take last review and then make any necessary edits.

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto: eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Friday, May 12, 2017 3:13 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto: Eisenberg.Mindy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>  
**Subject:** Re: About WOTUS Page

As long as Sarah also looks at it all, it looks good to me from a comm side. I still need to work up a draft press release. I have been focused on Pebble Mine, so I will probably need to do the release over the weekend :/. It shouldn't be too complicated.

Sent from my iPhone

On May 12, 2017, at 2:04 PM, Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto: Eisenberg.Mindy@epa.gov)> wrote:

Hi Liz,

You were interested in seeing where some of the links went. In the attachments that Brittany PDF'ed the links are live. However, some of these pages (such as Deliberative Process / Ex. 5)

Deliberative Process / Ex. 5 are not public yet and can only be accessed when

logged into WCMS. If you would like for Brittany to walk you through, she can come over to your office.

Thanks!

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Thursday, May 11, 2017 3:42 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>  
**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; Mackinnon, Kathleen <[Mackinnon.Kathleen@epa.gov](mailto:Mackinnon.Kathleen@epa.gov)>  
**Subject:** RE: About WOTUS Page

A few questions/edits:

- 
- 
- 
- 
- 
- 
- 
- 

## Deliberative Process / Ex. 5

Thank you for your help and work on this! Please let me know if you have further questions. Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Thursday, May 11, 2017 12:25 PM

**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>

**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>

**Subject:** FW: About WOTUS Page

Hi Liz and Sarah,

Please use this PDF for "About WOTUS" on the new website. A couple of pages accidentally got left off.

Thanks!

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bennett, Brittany  
**Sent:** Thursday, May 11, 2017 11:53 AM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Subject:** About WOTUS Page

Mindy – It looks like the last page of the About WOTUS webpage is missing from the email you guys received. I'm not sure how this happened, but I'm attaching a new version that has the last page included. This includes links to the wetlands page and other CWA programs.

B

**Brittany K. Bennett**  
Ecologist  
U.S. EPA, Office of Water  
ph: 202.564.1896  
[Bennett.Brittany@epa.gov](mailto:Bennett.Brittany@epa.gov)

<About WOTUS with Links v2.pdf>

<404 WOTUS with Links.pdf>

Message

**From:** Hart, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C6C7BDC1904543F497682A2DA94A1119-HART, DANIEL]  
**Sent:** 5/15/2017 9:08:02 PM  
**To:** Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]  
**CC:** Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Eisenberg, Mindy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfb4c26bb6f44c7db69f9884628b3ef9-Eisenberg, Mindy]; Orquina, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=35f8dbb8836e42cc8fff027b4bc54c86-Orquina, Jessica]; Bennett, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3d7b265c202c467791ca4d4ac6b8db8b-Bennett, Br]; Fagan, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=636207286dc84c7da82900aec48f7277-Fagan,Susan]  
**Subject:** Re: Redirects should be working now

We're told it will take a few mins for cache to clear. The servers are worldwide.

**Daniel (Danny) Hart** | Director of Web Communications | Office of Public Affairs | U.S. EPA | [Tel:202.564.7577](tel:202.564.7577) |  
cell: Personal Phone / Ex. 6

On May 15, 2017, at 5:01 PM, Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)> wrote:

Agreed. Well done, everyone!

One quick thing, I am finding that if you were to google "clean water rule" and click on the first link it does not redirect. Similarly it will not redirect if "clean water rule" is in all-caps. Is this intentional? Or will it just take a bit more time for everything to redirect to the new site?

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency  
Work: 202-564-1722 | Cell: Personal Phone / Ex. 6  
[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

---

**From:** Grantham, Nancy  
**Sent:** Monday, May 15, 2017 4:55 PM  
**To:** Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Orquina, Jessica <[Orquina.Jessica@epa.gov](mailto:Orquina.Jessica@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[fagan.Susan@epa.gov](mailto:fagan.Susan@epa.gov)>  
**Subject:** RE: Redirects should be working now

Looks terrific //thanks all

**Nancy Grantham**

**Office of Public Affairs  
US Environmental Protection Agency  
202-564-6879 (desk)**

Personal Phone / Ex. 6 **(mobile)**

---

**From:** Hart, Daniel

**Sent:** Monday, May 15, 2017 4:53 PM

**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto: Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Orquina, Jessica <[Orquina.Jessica@epa.gov](mailto: Orquina.Jessica@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto: Fagan.Susan@epa.gov)>

**Subject:** Redirects should be working now

We're seeing the redirects working now

[www.epa.gov/cleanwaterrule](http://www.epa.gov/cleanwaterrule) redirects to <https://www.epa.gov/wotus-rule>

---

Daniel (Danny) Hart | Director, Office of Web Communication, Office of Public Affairs, U.S. EPA | desk:  
202-564-7577 | cell: [Personal Phone / Ex. 6](tel:202-564-7577)

---

**From:** Bowman, Liz

**Sent:** Monday, May 15, 2017 4:36 PM

**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto: Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto: Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>

**Subject:** RE: Draft WOTUS Web Press Release

Attached, please find the final release with Army's edits incorporated. We will hit send as soon as I get the word from Danny that we are live and ready to go. Thanks for your help – Liz

---

**From:** Eisenberg, Mindy

**Sent:** Monday, May 15, 2017 1:02 PM

**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto: Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>

**Subject:** RE: Draft WOTUS Web Press Release

Yes, giving Army and Corps a heads up would be good. Either I can send or you can send it to Cindy Barger and she can coordinate.

Mindy Eisenberg

Acting Director, Wetlands Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

[eisenberg.mindy@epa.gov](mailto: eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Monday, May 15, 2017 1:00 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: Draft WOTUS Web Press Release

Press release is attached (with Sarah and Mindy's edits incorporated); should we send this to Army to let them know we are sending it. Who can I contact over there?

Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 12:42 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: Draft WOTUS Web Press Release

Thanks Liz,  
Here are a few edits. Let me know if you have any questions.

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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Hi Mindy – Attached, please find the draft press release; please review for accuracy and send me any necessary edits in tracked changes. Thank you – Liz

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**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>

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**Subject:** RE: About WOTUS Page

Hi Nancy,

We're still waiting for some comments on the site, so we'll keep everyone posted.

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**Subject:** RE: About WOTUS Page

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Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  
**Personal Phone / Ex. 6 (mobile)**

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Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>;  
MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>  
**Subject:** Re: About WOTUS Page

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Sent from my iPhone

On May 12, 2017, at 2:04 PM, Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)> wrote:

Hi Liz,

You were interested in seeing where some of the links went. In the attachments that Brittany PDF'ed the links are live. However, some of these pages (such as [Deliberative Process / Ex. 5](#)

**Deliberative Process / Ex. 5** are not public yet and can only be accessed when logged into WCMS. If you would like for Brittany to walk you through, she can come over to your office.

Thanks!

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
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[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>;  
MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>  
**Subject:** RE: About WOTUS Page

A few questions/edits:

- 
- 
- 
- **Deliberative Process / Ex. 5**
- 
- 
- 

Thank you for your help and work on this! Please let me know if you have further questions. Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Thursday, May 11, 2017 12:25 PM  
**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>  
**Subject:** FW: About WOTUS Page

Hi Liz and Sarah,  
Please use this PDF for “About WOTUS” on the new website. A couple of pages accidentally got left off.

Thanks!  
Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bennett, Brittany  
**Sent:** Thursday, May 11, 2017 11:53 AM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Subject:** About WOTUS Page

Mindy – It looks like the last page of the About WOTUS webpage is missing from the email you guys received. I'm not sure how this happened, but I'm attaching a new version that has the last page included. This includes links to the wetlands page and other CWA programs.

B

**Brittany K. Bennett**  
Ecologist  
U.S. EPA, Office of Water  
ph: 202.564.1896  
[Bennett.Brittany@epa.gov](mailto:Bennett.Brittany@epa.gov)

<About WOTUS with Links v2.pdf>

<404 WOTUS with Links.pdf>

Message

**From:** Hart, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C6C7BDC1904543F497682A2DA94A1119-HART, DANIEL]  
**Sent:** 5/15/2017 8:53:14 PM  
**To:** Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Eisenberg, Mindy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfb4c26bb6f44c7db69f9884628b3ef9-Eisenberg, Mindy]; Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Orquina, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=35f8dbb8836e42cc8fff027b4bc54c86-Orquina, Jessica]  
**CC:** Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]; Bennett, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3d7b265c202c467791ca4d4ac6b8db8b-Bennett, Br]; Fagan, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=636207286dc84c7da82900aec48f7277-Fagan,Susan]  
**Subject:** Redirects should be working now

We're seeing the redirects working now

[www.epa.gov/cleanwaterrule](http://www.epa.gov/cleanwaterrule) redirects to <https://www.epa.gov/wotus-rule>

Daniel (Danny) Hart | Director, Office of Web Communication, Office of Public Affairs, U.S. EPA | desk: 202-564-7577 | cell: Personal Phone / Ex. 6

---

**From:** Bowman, Liz  
**Sent:** Monday, May 15, 2017 4:36 PM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Fagan, Susan <Fagan.Susan@epa.gov>; Dibble, Christine <Dibble.Christine@epa.gov>; MacKinnon, Kathleen <MacKinnon.Kathleen@epa.gov>; Hart, Daniel <Hart.Daniel@epa.gov>  
**Subject:** RE: Draft WOTUS Web Press Release

Attached, please find the final release with Army's edits incorporated. We will hit send as soon as I get the word from Danny that we are live and ready to go. Thanks for your help – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 1:02 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Fagan, Susan <Fagan.Susan@epa.gov>; Dibble, Christine <Dibble.Christine@epa.gov>; MacKinnon, Kathleen <MacKinnon.Kathleen@epa.gov>; Hart, Daniel <Hart.Daniel@epa.gov>  
**Subject:** RE: Draft WOTUS Web Press Release

Yes, giving Army and Corps a heads up would be good. Either I can send or you can send it to Cindy Barger and she can coordinate.

Mindy Eisenberg  
Acting Director, Wetlands Division

Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**Sent:** Monday, May 15, 2017 1:00 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
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**Subject:** RE: Draft WOTUS Web Press Release

Press release is attached (with Sarah and Mindy's edits incorporated); should we send this to Army to let them know we are sending it. Who can I contact over there?

Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 12:42 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
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Personal Phone / Ex. 6	<b>(mobile)</b>
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**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>  
**Subject:** RE: About WOTUS Page

A few questions/edits:

- 
- 
- 
- 
- 
- 
- 

# Deliberative Process / Ex. 5

Thank you for your help and work on this! Please let me know if you have further questions. Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Thursday, May 11, 2017 12:25 PM  
**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>  
**Subject:** FW: About WOTUS Page

Hi Liz and Sarah,  
Please use this PDF for “About WOTUS” on the new website. A couple of pages accidentally got left off.

Thanks!  
Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bennett, Brittany  
**Sent:** Thursday, May 11, 2017 11:53 AM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Subject:** About WOTUS Page

Mindy – It looks like the last page of the About WOTUS webpage is missing from the email you guys received. I'm not sure how this happened, but I'm attaching a new version that has the last page included. This includes links to the wetlands page and other CWA programs.

B

**Brittany K. Bennett**  
Ecologist  
U.S. EPA, Office of Water  
ph: 202.564.1896  
[Bennett.Brittany@epa.gov](mailto:Bennett.Brittany@epa.gov)

<About WOTUS with Links v2.pdf>

<404 WOTUS with Links.pdf>

Message

**From:** Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]  
**Sent:** 5/15/2017 5:03:16 PM  
**To:** Eisenberg, Mindy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfb4c26bb6f44c7db69f9884628b3ef9-Eisenberg, Mindy]; Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]  
**CC:** Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]; Bennett, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3d7b265c202c467791ca4d4ac6b8db8b-Bennett, Br]; Fagan, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=636207286dc84c7da82900aec48f7277-Fagan,Susan]; Dibble, Christine [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9d2765742fc04d3a93fdb719d6496779-CDibbl03]; MacKinnon, Kathleen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ca6d80cff786462fa2e811e782f837d2-Kmackinn]; Hart, Daniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c6c7bdc1904543f497682a2da94a1119-Hart, Daniel]  
**Subject:** RE: Draft WOTUS Web Press Release

I have Cindy's contact information; I can send it along to her to coordinate. Thank you!

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 1:02 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Fagan, Susan <Fagan.Susan@epa.gov>; Dibble, Christine <Dibble.Christine@epa.gov>; MacKinnon, Kathleen <MacKinnon.Kathleen@epa.gov>; Hart, Daniel <Hart.Daniel@epa.gov>  
**Subject:** RE: Draft WOTUS Web Press Release

Yes, giving Army and Corps a heads up would be good. Either I can send or you can send it to Cindy Barger and she can coordinate.

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Monday, May 15, 2017 1:00 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: Draft WOTUS Web Press Release

Press release is attached (with Sarah and Mindy's edits incorporated); should we send this to Army to let them know we are sending it. Who can I contact over there?

Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 12:42 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: Draft WOTUS Web Press Release

Thanks Liz,  
Here are a few edits. Let me know if you have any questions.

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**From:** Bowman, Liz  
**Sent:** Monday, May 15, 2017 12:34 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** Draft WOTUS Web Press Release

Hi Mindy – Attached, please find the draft press release; please review for accuracy and send me any necessary edits in tracked changes. Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 10:47 AM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: About WOTUS Page

Hi Nancy,  
We're still waiting for some comments on the site, so we'll keep everyone posted.

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Grantham, Nancy  
**Sent:** Monday, May 15, 2017 10:01 AM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: About WOTUS Page

Checking in on timing here so OEI has an idea of when they will be turning on the redirect (the new page needs to be live prior to that happening).

Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  
Personal Phone / Ex. 6 **(mobile)**

---

**From:** Eisenberg, Mindy  
**Sent:** Friday, May 12, 2017 3:27 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>  
**Subject:** RE: About WOTUS Page

Thanks Liz. Haven't heard from Sarah yet. I think it may be better to aim for Monday afternoon to go live so we can have OGC, Sarah and Army take last review and then make any necessary edits.

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Friday, May 12, 2017 3:13 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>  
**Subject:** Re: About WOTUS Page

As long as Sarah also looks at it all, it looks good to me from a comm side. I still need to work up a draft press release. I have been focused on Pebble Mine, so I will probably need to do the release over the weekend :/. It shouldn't be too complicated.

Sent from my iPhone

On May 12, 2017, at 2:04 PM, Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)> wrote:

Hi Liz,

You were interested in seeing where some of the links went. In the attachments that Brittany PDF'ed the links are live. However, some of these pages (such as **Deliberative Process / Ex. 5**) are not public yet and can only be accessed when logged into WCMS. If you would like for Brittany to walk you through, she can come over to your office.

Thanks!

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Thursday, May 11, 2017 3:42 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>  
**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>  
**Subject:** RE: About WOTUS Page

A few questions/edits:

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- 
- 
- 

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

Thank you for your help and work on this! Please let me know if you have further questions. Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Thursday, May 11, 2017 12:25 PM  
**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>  
**Subject:** FW: About WOTUS Page

Hi Liz and Sarah,  
Please use this PDF for “About WOTUS” on the new website. A couple of pages accidently got left off.

Thanks!  
Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bennett, Brittany  
**Sent:** Thursday, May 11, 2017 11:53 AM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Subject:** About WOTUS Page

Mindy – It looks like the last page of the About WOTUS webpage is missing from the email you guys received. I’m not sure how this happened, but I’m attaching a new version that has the last page included. This includes links to the wetlands page and other CWA programs.

B

**Brittany K. Bennett**  
Ecologist  
U.S. EPA, Office of Water  
ph: 202.564.1896  
[Bennett.Brittany@epa.gov](mailto:Bennett.Brittany@epa.gov)

<About WOTUS with Links v2.pdf>

<404 WOTUS with Links.pdf>

Message

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**From:** Hale, Michelle [hale.michelle@epa.gov]  
**Sent:** 5/9/2017 5:01:48 PM  
**To:** Greenwalt, Sarah [greenwalt.sarah@epa.gov]  
**CC:** Hupp, Sydney [hupp.sydney@epa.gov]  
**Subject:** FW: FTCA Claim

Sarah, do you think you could meet with Mr. Cornwell? Please see his first email.

---

**From:** Gary T. Cornwell [mailto: [Personal Email / Ex. 6](#)]  
**Sent:** Tuesday, May 9, 2017 12:58 PM  
**To:** Hale, Michelle <hale.michelle@epa.gov>  
**Subject:** FW: FTCA Claim

Hi Michelle,

I am in Washington today and tomorrow. As I offered in my earlier email of 4/19 (see below), I would be glad to stop in and visit if that would be helpful.

I am staying at the Trump International, across the street from you. Please call me if I can help.

Thanks,  
Gary Cornwell

The Cornwell Law Firm  
900 North Rainbow Ranch Road  
Wimberley, Tx 78676  
Phone: (409) 659-7788  
Fax: (713) 583-9020  
Email: [Personal Email / Ex. 6](#)

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**From:** Hale, Michelle [mailto: [hale.michelle@epa.gov](mailto:hale.michelle@epa.gov)]  
**Sent:** Wednesday, April 19, 2017 12:47 PM  
**To:** Gary T. Cornwell <[gtcornwell@gmail.com](mailto:gtcornwell@gmail.com)>  
**Subject:** RE: FTCA Claim

Thank you, I will pass it along.

---

**From:** Gary T. Cornwell [mailto: [Personal Email / Ex. 6](#)]  
**Sent:** Wednesday, April 19, 2017 1:11 PM  
**To:** Hale, Michelle <[hale.michelle@epa.gov](mailto:hale.michelle@epa.gov)>  
**Subject:** RE: FTCA Claim

Thanks again, Michelle.

(By the way, I will be in Washington during the week of May 9 – 12, and would be glad to stop by and talk with anyone on your staff who is interested in this issue if that would be helpful.)

Gary Cornwell

The Cornwell Law Firm  
900 North Rainbow Ranch Road  
Wimberley, Tx 78676  
Phone: (409) 659-7788  
Fax: (713) 583-9020  
Email: [Personal Email / Ex. 6](#)

---

**From:** Hale, Michelle [<mailto:hale.michelle@epa.gov>]  
**Sent:** Wednesday, April 19, 2017 10:48 AM  
**To:** Gary T. Cornwell <[Personal Email / Ex. 6](#)>  
**Subject:** RE: FTCA Claim

Mr. Cornwell, thank you for all the information. I am sending this on to those on staff who will be highly interested in the information.

Michelle

---

**From:** Gary T. Cornwell [<mailto:> [Personal Email / Ex. 6](#)]  
**Sent:** Wednesday, April 19, 2017 11:29 AM  
**To:** Hale, Michelle <[hale.michelle@epa.gov](mailto:hale.michelle@epa.gov)>  
**Subject:** FTCA Claim

Dear Ms. Hale:

Thank you for talking to me today. Attached is a copy of the \$337 million Claim I told you about, which we have filed against the EPA.

I believe Administrator Pruitt would be very interested in this claim, but *not* primarily because of the dollar amount of the claim.

What is most important about this claim is *the issue* it raises.

I am not one who desires to cripple the EPA. I believe our country desperately needs the EPA to protect our environment. But this Claim describes a practice of the EPA that I believe Administrator Pruitt would be vitally interested in correcting.

Over the past ten years, since the Supreme Court's *Rapanos* decision in June, 2006, the scope of the EPA's jurisdiction under the Clean Water Act has been terribly unclear as applied to many, many properties across the United States. That has caused major problems for many land owners, even in *civil* enforcement cases. (Thankfully, Administrator Pruitt and the President are now moving forward to eliminate that lack of clarity by implementing the Scalia test in *Rapanos*, and thereby clarifying for the future what are and what are not "waters of the United States.")

However, the lack of clarity in the Clean Water Act and the related regulations has created *even greater injustice* over the past ten years when the EPA has *indicted landowners* for purported violations of the Clean Water Act *even though no one, not even the U.S. Supreme Court*, could determine whether the EPA had jurisdiction over the properties at issue under the Clean Water Act.

Indicting a U.S. citizen for conduct that is not *clearly defined* as being illegal by a carefully worded statute, court decision, or duly promulgated agency regulation, is prohibited by both the *ex post facto* and due process provisions of our Constitution.

Over the past ten years, my client, **Ex. 6** and many others have been illegally charged with *federal felonies*, in violation of those Constitutional provisions, at the instigation of the EPA. (My client was indicted *twice*, and while all charges were ultimately dismissed, great damage to both him and his company had already occurred.)

I thus believe that Administrator Pruitt would be personally interested in addressing this problem, for all of the reasons set forth in the enclosed Claim.

Thank you for presenting this issue to Administrator Pruitt, and for both your and his consideration of the issue.

Gary Cornwell

The Cornwell Law Firm  
900 North Rainbow Ranch Road  
Wimberley, Tx 78676  
Phone: (409) 659-7788  
Fax: (713) 583-9020  
Email: **Personal Email / Ex. 6**

**To:** Greenwalt, Sarah[greenwalt.sarah@epa.gov]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Middleton, Brandon (ENRD)[Brandon.Middleton@usdoj.gov]; Wood, Jeffrey (ENRD)[Jeffrey.Wood@usdoj.gov]; Grant, Eric (ENRD)[Eric.Grant@usdoj.gov]  
**From:** Gelber, Bruce (ENRD)  
**Sent:** Mon 5/8/2017 4:16:56 PM  
**Subject:** AWP/DP/ Ex. 5

# Deliberative Process / ACP Ex. 5

---

Bruce S. Gelber  
Deputy Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W., Room 2609  
Washington, D.C. 20530-0001  
Phone: (202) 514-4624  
Facsimile: (202) 514-0557

**CONFIDENTIALITY NOTICE:** This communication may contain law enforcement sensitive, privileged attorney/client communications or work product, and is not subject to disclosure. It is solely for the use of the intended recipients. Unauthorized interception, review, use or disclosure is prohibited. If you believe that you have received this e-mail in error, please notify the sender immediately, and permanently delete the email, any attachments, and all copies from your computer.

**To:** Greenwalt, Sarah[greenwalt.sarah@epa.gov]  
**From:** Schwab, Justin  
**Sent:** Fri 3/24/2017 5:40:19 PM  
**Subject:** Fwd: Litigation deadline charts  
[One Docket Report 3-23-17.pdf](#)  
[ATT00001.htm](#)  
[Weekly Report 3-23-17.docx](#)  
[ATT00002.htm](#)

In case you want them

Sent from my iPhone

Begin forwarded message:

**From:** "Prabhu, Aditi" <[Prabhu.Aditi@epa.gov](mailto:Prabhu.Aditi@epa.gov)>  
**To:** "Schwab, Justin" <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>  
**Subject:** Litigation deadline charts

Hi Justin,

Attached are: (1) a chart of OGC's litigation deadlines through the end of May, and (2) a more detailed 2-week look ahead with additional information on matters with upcoming deadlines.

Aditi

Aditi Prabhu  
Special Assistant, Office of General Counsel  
U.S. Environmental Protection Agency  
(202)564-2473

Message

**From:** Grantham, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12A3C2ED7158417FB0BB1B1B72A8CFB0-GRANTHAM, NANCY]  
**Sent:** 5/15/2017 8:55:13 PM  
**To:** Hart, Daniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c6c7bdc1904543f497682a2da94a1119-Hart, Daniel]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Eisenberg, Mindy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfb4c26bb6f44c7db69f9884628b3ef9-Eisenberg, Mindy]; Orquina, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=35f8dbb8836e42cc8fff027b4bc54c86-Orquina, Jessica]  
**CC:** Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]; Bennett, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3d7b265c202c467791ca4d4ac6b8db8b-Bennett, Br]; Fagan, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=636207286dc84c7da82900aec48f7277-Fagan,Susan]  
**Subject:** RE: Redirects should be working now

Looks terrific //thanks all

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**

Personal Phone / Ex. 6 (mobile)

---

**From:** Hart, Daniel  
**Sent:** Monday, May 15, 2017 4:53 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Orquina, Jessica <Orquina.Jessica@epa.gov>  
**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Fagan, Susan <Fagan.Susan@epa.gov>  
**Subject:** Redirects should be working now

We're seeing the redirects working now

[www.epa.gov/cleanwaterrule](http://www.epa.gov/cleanwaterrule) redirects to <https://www.epa.gov/wotus-rule>

Daniel (Danny) Hart | Director, Office of Web Communication, Office of Public Affairs, U.S. EPA | desk: 202-564-7577 | cell: Personal Phone / Ex. 6

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**From:** Bowman, Liz  
**Sent:** Monday, May 15, 2017 4:36 PM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Fagan, Susan <Fagan.Susan@epa.gov>; Dibble, Christine <Dibble.Christine@epa.gov>; MacKinnon, Kathleen <MacKinnon.Kathleen@epa.gov>; Hart, Daniel <Hart.Daniel@epa.gov>  
**Subject:** RE: Draft WOTUS Web Press Release

Attached, please find the final release with Army's edits incorporated. We will hit send as soon as I get the word from Danny that we are live and ready to go. Thanks for your help – Liz

---

**From:** Eisenberg, Mindy

**Sent:** Monday, May 15, 2017 1:02 PM

**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto: Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>

**Subject:** RE: Draft WOTUS Web Press Release

Yes, giving Army and Corps a heads up would be good. Either I can send or you can send it to Cindy Barger and she can coordinate.

Mindy Eisenberg

Acting Director, Wetlands Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

[eisenberg.mindy@epa.gov](mailto: eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz

**Sent:** Monday, May 15, 2017 1:00 PM

**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto: Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto: Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>

**Subject:** RE: Draft WOTUS Web Press Release

Press release is attached (with Sarah and Mindy's edits incorporated); should we send this to Army to let them know we are sending it. Who can I contact over there?

Thank you – Liz

---

**From:** Eisenberg, Mindy

**Sent:** Monday, May 15, 2017 12:42 PM

**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>

**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto: Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>

**Subject:** RE: Draft WOTUS Web Press Release

Thanks Liz,

Here are a few edits. Let me know if you have any questions.

Mindy

Mindy Eisenberg

Acting Director, Wetlands Division

Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**From:** Bowman, Liz  
**Sent:** Monday, May 15, 2017 12:34 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** Draft WOTUS Web Press Release

Hi Mindy – Attached, please find the draft press release; please review for accuracy and send me any necessary edits in tracked changes. Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 10:47 AM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: About WOTUS Page

Hi Nancy,  
We're still waiting for some comments on the site, so we'll keep everyone posted.

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Grantham, Nancy  
**Sent:** Monday, May 15, 2017 10:01 AM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: About WOTUS Page

Checking in on timing here so OEI has an idea of when they will be turning on the redirect (the new page needs to be live prior to that happening).

Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**

Personal Phone / Ex. 6 **(mobile)**

---

**From:** Eisenberg, Mindy  
**Sent:** Friday, May 12, 2017 3:27 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>  
**Subject:** RE: About WOTUS Page

Thanks Liz. Haven't heard from Sarah yet. I think it may be better to aim for Monday afternoon to go live so we can have OGC, Sarah and Army take last review and then make any necessary edits.

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto: eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Friday, May 12, 2017 3:13 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto: Eisenberg.Mindy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>  
**Subject:** Re: About WOTUS Page

As long as Sarah also looks at it all, it looks good to me from a comm side. I still need to work up a draft press release. I have been focused on Pebble Mine, so I will probably need to do the release over the weekend :/. It shouldn't be too complicated.

Sent from my iPhone

On May 12, 2017, at 2:04 PM, Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto: Eisenberg.Mindy@epa.gov)> wrote:

Hi Liz,

You were interested in seeing where some of the links went. In the attachments that Brittany PDF'ed the links are live. However, some of these pages (such as [Deliberative Process / Ex. 5](#)) are not public yet and can only be accessed when logged into WCMS. If you would like for Brittany to walk you through, she can come over to your office.

Thanks!

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Thursday, May 11, 2017 3:42 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>  
**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>;  
Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>  
**Subject:** RE: About WOTUS Page

A few questions/edits:

- 
- 
- 
- 
- 
- 
- 
- 

## Deliberative Process / Ex. 5

Thank you for your help and work on this! Please let me know if you have further questions. Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Thursday, May 11, 2017 12:25 PM  
**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>;  
Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>  
**Subject:** FW: About WOTUS Page

Hi Liz and Sarah,  
Please use this PDF for “About WOTUS” on the new website. A couple of pages accidently got left off.

Thanks!  
Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bennett, Brittany  
**Sent:** Thursday, May 11, 2017 11:53 AM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Subject:** About WOTUS Page

Mindy – It looks like the last page of the About WOTUS webpage is missing from the email you guys received. I'm not sure how this happened, but I'm attaching a new version that has the last page included. This includes links to the wetlands page and other CWA programs.

B

**Brittany K. Bennett**  
Ecologist  
U.S. EPA, Office of Water  
ph: 202.564.1896  
[Bennett.Brittany@epa.gov](mailto:Bennett.Brittany@epa.gov)

<About WOTUS with Links v2.pdf>

<404 WOTUS with Links.pdf>

Message

**From:** Gelber, Bruce (ENRD) [Bruce.Gelber@usdoj.gov]  
**Sent:** 5/8/2017 4:59:55 PM  
**To:** Greenwalt, Sarah [greenwalt.sarah@epa.gov]  
**Subject:** **AWP/DP/ Ex. 5**

**AWP/DP/ Ex. 5**

**From:** Greenwalt, Sarah [mailto:greenwalt.sarah@epa.gov]  
**Sent:** Monday, May 08, 2017 12:46 PM  
**To:** Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>  
**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Middleton, Brandon (ENRD) <BMiddleton@ENRD.USDOJ.GOV>; Wood, Jeffrey (ENRD) <JWood@ENRD.USDOJ.GOV>; Grant, Eric (ENRD) <EGrant@ENRD.USDOJ.GOV>  
**Subject:** **AWP/DP/ Ex. 5**

**AWP/DP/ Ex. 5**

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722 | Cell: **Personal Phone / Ex. 6**

[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

**From:** Gelber, Bruce (ENRD) [mailto:Bruce.Gelber@usdoj.gov]  
**Sent:** Monday, May 8, 2017 12:17 PM  
**To:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Middleton, Brandon (ENRD) <Brandon.Middleton@usdoj.gov>; Wood, Jeffrey (ENRD) <Jeffrey.Wood@usdoj.gov>; Grant, Eric (ENRD) <Eric.Grant@usdoj.gov>  
**Subject:** FW: **AWP/DP/ Ex. 5**

**AWP/DP/ Ex. 5**

Bruce S. Gelber

Deputy Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W., Room 2609  
Washington, D.C. 20530-0001  
Phone: (202) 514-4624  
Facsimile: (202) 514-0557

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**To:** Greenwalt, Sarah[greenwalt.sarah@epa.gov]  
**From:** Bowman, Liz  
**Sent:** Tue 4/18/2017 9:52:57 PM  
**Subject:** FW: draft preamble for step 1 rule  
WOTUS-2 Step 1 working preamble 4-19-17.docx

I have a meeting at 8:30 so I may be a few minutes late to this meeting tomorrow, just a heads up.

---

**From:** Eisenberg, Mindy  
**Sent:** Tuesday, April 18, 2017 5:35 PM  
**To:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; McDavitt, Michael W. <Mcdavitt.Michael@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Stacey.M.Jensen@usace.army.mil; Moyer, Jennifer A CIV USARMY CEHQ (US) <Jennifer.A.Moyer@usace.army.mil>; David.F.Dale@usace.army.mil; Cindy Barger <cindy.s.barger.civ@mail.mil>; Craig R SES (US) Schmauder <craig.r.schmauder.civ@mail.mil>; donald.e.jackson@usace.army.mil; douglas.w.lamont2.civ@mail.mil; Lousberg, Macara <Lousberg.Macara@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>  
**Subject:** draft preamble for step 1 rule

All,  
Attached is the draft of the step 1 preamble for review. We plan to spend part of tomorrow's 10:00 meeting walking through it. You will see that we have a couple of comment bubbles where we are seeking specific feedback.

Thanks,  
Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

**To:** McGartland, Al[McGartland.Al@epa.gov]  
**Cc:** Nickerson, William[Nickerson.William@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]  
**From:** Dravis, Samantha  
**Sent:** Sun 3/26/2017 8:39:38 PM  
**Subject:** RE: Waters of the US activity

Many thanks Al and Bill for staying on top of this. Let's definitely shoot for Monday by COB, because **Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

Thanks again. I will ask Robin to find us some time on the calendar to visit on this.

**From:** McGartland, Al  
**Sent:** Sunday, March 26, 2017 4:28 PM  
**To:** Dravis, Samantha <dravis.samantha@epa.gov>  
**Cc:** Nickerson, William <Nickerson.William@epa.gov>  
**Subject:** Waters of the US activity

Hi Samantha.

# Deliberative Process / Ex. 5

**To:** Greenwalt, Sarah[greenwalt.sarah@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Sun 3/26/2017 6:48:41 PM  
**Subject:** FW: Materials on Waters of the US Rulemaking  
[WOTUS2 proposed plan 3-22-17 draft.docx](#)  
[Rule Timeline short v5.xlsx](#)  
[overall Rule Timeline 3-21-17.xlsx](#)

Are you plugged into this?

---

**From:** Shapiro, Mike  
**Sent:** Thursday, March 23, 2017 11:23 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** Materials on Waters of the US Rulemaking

Ryan,

Sarah indicated that you are interesting in getting information on our work plan and schedule for the Waters of the US Rule effort based on the direction we received from the Administrator at our meeting last week. The attached working documents present an outline of our proposed approach and schedule, which were presented at our leadership team meeting this Wednesday. Please let me know if this meets your needs and if you have any questions.

Mike

Michael Shapiro  
Acting Assistant Administrator, Office of Water  
US EPA, 4101M  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
202-564-5700

**To:** Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]  
**Cc:** Neugeboren, Steven[Neugeboren.Steven@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Mon 3/20/2017 1:35:21 AM  
**Subject:** Re: OGC assessment of legal issues in WOTUS rulemaking

Hi Sarah and Justin-

# Deliberative Process / ACP Ex. 5

See you tomorrow.

Kevin

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 7:53 PM, Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)> wrote:

That's great, thank you.

On Mar 19, 2017, at 6:44 PM, Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)> wrote:

*Predecisional/Attorney-Client Privileged*

# Deliberative Process / ACP Ex. 5

# **Deliberative Process / ACP Ex. 5**

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
Environmental Protection Agency  
202-564-5488

**To:** Wehling, Carrie[Wehling.Carrie@epa.gov]  
**Cc:** Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Thur 3/16/2017 1:25:29 PM  
**Subject:** Re: Meeting on WOTUS Rule

Great, thanks for the help coordinating.

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 16, 2017, at 8:15 AM, Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)> wrote:

Will do. I will followup with Bruce. Sounds like 3 pm works for most folks.  
Carrie

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
[wehling.carrie@epa.gov](mailto:wehling.carrie@epa.gov)

---

**From:** Minoli, Kevin  
**Sent:** Wednesday, March 15, 2017 7:49 PM  
**To:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>  
**Subject:** FW: Meeting on WOTUS Rule

All: DOJ is working to set up a discussion on: Deliberative Process / ACP Ex. 5  
**Deliberative Process / ACP Ex. 5** I am free after 2:00, so could the WLO folks work to ID times from 2:00 on that are best? Thanks, Kevin

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

---

**From:** Gelber, Bruce (ENRD) [<mailto:Bruce.Gelber@usdoj.gov>]  
**Sent:** Wednesday, March 15, 2017 5:41 PM  
**To:** Owens, Angela (ENRD) <[Angela.Owens@usdoj.gov](mailto:Angela.Owens@usdoj.gov)>; Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>; [craig.r.schmauder.civ@mail.mil](mailto:craig.r.schmauder.civ@mail.mil)  
**Cc:** Grishaw, Letitia (ENRD) <[Letitia.Grishaw@usdoj.gov](mailto:Letitia.Grishaw@usdoj.gov)>; Neumann, Jennifer Scheller (ENRD) <[Jennifer.Neumann@usdoj.gov](mailto:Jennifer.Neumann@usdoj.gov)>  
**Subject:** Meeting on WOTUS Rule

Angie – Can you schedule a meeting/conference call for this Friday afternoon (any time after 1 pm) to discuss Deliberative Process / ACP Ex. 5 Letty and Jennifer will get you the names of the ENRD participants.

Kevin , Craig – could you provide Angie with the names/email addresses of the EPA and ACOE participants, plus what time would work best for you.

Thanks.

---

Bruce S. Gelber  
Deputy Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W., Room 2609  
Washington, D.C. 20530-0001  
Phone: (202) 514-4624  
Facsimile: (202) 514-0557

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**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]  
**From:** Wehling, Carrie  
**Sent:** Thur 3/16/2017 12:15:23 PM  
**Subject:** RE: Meeting on WOTUS Rule

Will do. I will followup with Bruce. Sounds like 3 pm works for most folks.  
Carrie

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
wehling.carrie@epa.gov

---

**From:** Minoli, Kevin  
**Sent:** Wednesday, March 15, 2017 7:49 PM  
**To:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
**Subject:** FW: Meeting on WOTUS Rule

All- DOJ is working to set up a discussion Deliberative Process / ACP Ex. 5  
Deliberative Process / ACP Ex. 5 I am free after 2:00, so could the WLO folks work to ID times from 2:00 on that are best? Thanks, Kevin

**Kevin S. Minoli**  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

---

**From:** Gelber, Bruce (ENRD) [<mailto:Bruce.Gelber@usdoj.gov>]  
**Sent:** Wednesday, March 15, 2017 5:41 PM  
**To:** Owens, Angela (ENRD) <Angela.Owens@usdoj.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; craig.r.schmauder.civ@mail.mil  
**Cc:** Grishaw, Letitia (ENRD) <Letitia.Grishaw@usdoj.gov>; Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>  
**Subject:** Meeting on WOTUS Rule

Angie – Can you schedule a meeting/conference call for this Friday afternoon (any time after 1 pm) to discuss Deliberative Process / ACP Ex. 5  
Deliberative Process / ACP Ex. 5 Letty and Jennifer will get you the names of the ENRD participants.

Kevin , Craig – could you provide Angie with the names/email addresses of the EPA and ACOE participants, plus what time would work best for you.

Thanks.

---

Bruce S. Gelber  
Deputy Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W., Room 2609  
Washington, D.C. 20530-0001  
Phone: (202) 514-4624  
Facsimile: (202) 514-0557

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**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**Cc:** Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]  
**From:** Schwab, Justin  
**Sent:** Wed 3/15/2017 11:51:30 PM  
**Subject:** Re: Meeting on WOTUS Rule

I'm busy 2:30-3

Sent from my iPhone

On Mar 15, 2017, at 7:49 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

All- DOJ is working to set up a discussion on **Deliberative Process / ACP Ex. 5**  
**Deliberative Process / ACP Ex. 5** am free after  
2:00, so could the WLO folks work to ID times from 2:00 on that are best? Thanks, Kevin

**Kevin S. Minoli**  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

---

**From:** Gelber, Bruce (ENRD) [mailto:Bruce.Gelber@usdoj.gov]  
**Sent:** Wednesday, March 15, 2017 5:41 PM  
**To:** Owens, Angela (ENRD) <Angela.Owens@usdoj.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>;  
craig.r.schmauder.civ@mail.mil  
**Cc:** Grishaw, Letitia (ENRD) <Letitia.Grishaw@usdoj.gov>; Neumann, Jennifer Scheller (ENRD)  
<Jennifer.Neumann@usdoj.gov>  
**Subject:** Meeting on WOTUS Rule

Angie – Can you schedule a meeting/conference call for this Friday afternoon (any time after 1 pm) to discuss  
**Deliberative Process / ACP Ex. 5** Letty and Jennifer will get you the names of the ENRD participants.

Kevin , Craig – could you provide Angie with the names/email addresses of the EPA and ACOE participants, plus what time would work best for you.

Thanks.

---

Bruce S. Gelber  
Deputy Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W., Room 2609  
Washington, D.C. 20530-0001  
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Facsimile: (202) 514-0557

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**To:** Greenwalt, Sarah[greenwalt.sarah@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Tue 3/14/2017 4:44:42 PM  
**Subject:** FW: CWR Gant Chart  
[Rule Timeline short v4.xlsx](#)  
[WOTUS2 briefing paper v4.docx](#)

**Kevin S. Minoli**  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

---

**From:** Kupchan, Simma  
**Sent:** Thursday, March 09, 2017 11:48 AM  
**To:** Minoli, Kevin <Minoli.Kevin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>  
**Cc:** Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Subject:** CWR Gant Chart

Kevin and Justin,

## Deliberative Process / Ex. 5

Please let me know if you have follow up questions. Thanks.

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

Message

**From:** Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]  
**Sent:** 5/15/2017 9:13:04 PM  
**To:** Fagan, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=636207286dc84c7da82900aec48f7277-Fagan,Susan]; Hart, Daniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c6c7bdc1904543f497682a2da94a1119-Hart, Daniel]  
**CC:** Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Eisenberg, Mindy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfb4c26bb6f44c7db69f9884628b3ef9-Eisenberg, Mindy]; Orquina, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=35f8dbb8836e42cc8fff027b4bc54c86-Orquina, Jessica]; Bennett, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3d7b265c202c467791ca4d4ac6b8db8b-Bennett, Br]  
**Subject:** RE: Redirects should be working now

<https://www.epa.gov/CLEANWATERRULE> does not redirect as of now

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722 | Cell: Personal Phone / Ex. 6

Greenwalt.Sarah@epa.gov

---

**From:** Fagan, Susan  
**Sent:** Monday, May 15, 2017 5:10 PM  
**To:** Hart, Daniel <Hart.Daniel@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
**Cc:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Orquina, Jessica <Orquina.Jessica@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>  
**Subject:** RE: Redirects should be working now

This is from google.com?

What is the URL of the site that doesn't redirect?

Thanks

Susan Fagan

US EPA, Office of Environmental Information, Office of Information Management

Web Content Services Division (MC 2843)

Phone: 202-566-2021 Fax: 202-566-0711

EPA Cell #: Personal Phone / Ex. 6

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---

**From:** Hart, Daniel  
**Sent:** Monday, May 15, 2017 5:08 PM  
**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>  
**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Orquina, Jessica <[Orquina.Jessica@epa.gov](mailto:Orquina.Jessica@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>  
**Subject:** Re: Redirects should be working now

We're told it will take a few mins for cache to clear. The servers are worldwide.

**Daniel (Danny) Hart** | Director of Web Communications | Office of Public Affairs | U.S. EPA | [Tel:202.564.7577](tel:202.564.7577) |  
cell: Personal Phone / Ex. 6

On May 15, 2017, at 5:01 PM, Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)> wrote:

Agreed. Well done, everyone!

One quick thing, I am finding that if you were to google "clean water rule" and click on the first link it does not redirect. Similarly it will not redirect if "clean water rule" is in all-caps. Is this intentional? Or will it just take a bit more time for everything to redirect to the new site?

**Sarah A. Greenwalt**  
Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency  
Work: 202-564-1722 | Cell: Personal Phone / Ex. 6  
[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

---

**From:** Grantham, Nancy  
**Sent:** Monday, May 15, 2017 4:55 PM  
**To:** Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Orquina, Jessica <[Orquina.Jessica@epa.gov](mailto:Orquina.Jessica@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>  
**Subject:** RE: Redirects should be working now

Looks terrific //thanks all

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  
Personal Phone / Ex. 6 **(mobile)**

---

**From:** Hart, Daniel  
**Sent:** Monday, May 15, 2017 4:53 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Orquina, Jessica <[Orquina.Jessica@epa.gov](mailto:Orquina.Jessica@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>

Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>  
**Subject:** Redirects should be working now

We're seeing the redirects working now

[www.epa.gov/cleanwaterrule](http://www.epa.gov/cleanwaterrule) redirects to <https://www.epa.gov/wotus-rule>

Daniel (Danny) Hart | Director, Office of Web Communication, Office of Public Affairs, U.S. EPA | desk:  
202-564-7577 | cell: Personal Phone / Ex. 6

---

**From:** Bowman, Liz  
**Sent:** Monday, May 15, 2017 4:36 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: Draft WOTUS Web Press Release

Attached, please find the final release with Army's edits incorporated. We will hit send as soon as I get the word from Danny that we are live and ready to go. Thanks for your help – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 1:02 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: Draft WOTUS Web Press Release

Yes, giving Army and Corps a heads up would be good. Either I can send or you can send it to Cindy Barger and she can coordinate.

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Monday, May 15, 2017 1:00 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto:Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto:Hart.Daniel@epa.gov)>  
**Subject:** RE: Draft WOTUS Web Press Release

Press release is attached (with Sarah and Mindy's edits incorporated); should we send this to Army to let them know we are sending it. Who can I contact over there?

Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 12:42 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto: Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>  
**Subject:** RE: Draft WOTUS Web Press Release

Thanks Liz,  
Here are a few edits. Let me know if you have any questions.

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto: eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Monday, May 15, 2017 12:34 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto: Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto: Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>  
**Subject:** Draft WOTUS Web Press Release

Hi Mindy – Attached, please find the draft press release; please review for accuracy and send me any necessary edits in tracked changes. Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 10:47 AM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Fagan, Susan <[Fagan.Susan@epa.gov](mailto: Fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>  
**Subject:** RE: About WOTUS Page

Hi Nancy,  
We're still waiting for some comments on the site, so we'll keep everyone posted.

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Grantham, Nancy  
**Sent:** Monday, May 15, 2017 10:01 AM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
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Checking in on timing here so OEI has an idea of when they will be turning on the redirect (the new page needs to be live prior to that happening).

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**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  
Personal Phone / Ex. 6 **(mobile)**

---

**From:** Eisenberg, Mindy  
**Sent:** Friday, May 12, 2017 3:27 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>  
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**Subject:** Re: About WOTUS Page

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Sent from my iPhone

On May 12, 2017, at 2:04 PM, Eisenberg, Mindy <Eisenberg.Mindy@epa.gov> wrote:

Hi Liz,

You were interested in seeing where some of the links went. In the attachments that Brittany PDF'ed the links are live. However, some of these pages (such as [Deliberative Process / Ex. 5](#)) are not public yet and can only be accessed when logged into WCMS. If you would like for Brittany to walk you through, she can come over to your office.

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**Cc:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Dibble, Christine <Dibble.Christine@epa.gov>; MacKinnon, Kathleen <MacKinnon.Kathleen@epa.gov>  
**Subject:** RE: About WOTUS Page

A few questions/edits:

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- **Deliberative Process / Ex. 5**

- 
- 
- ## Deliberative Process / Ex. 5
- 
- 

Thank you for your help and work on this! Please let me know if you have further questions. Thank you – Liz

---

**From:** Eisenberg, Mindy

**Sent:** Thursday, May 11, 2017 12:25 PM

**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>

**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>

**Subject:** FW: About WOTUS Page

Hi Liz and Sarah,

Please use this PDF for “About WOTUS” on the new website. A couple of pages accidentally got left off.

Thanks!

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
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1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bennett, Brittany

**Sent:** Thursday, May 11, 2017 11:53 AM

**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>

**Subject:** About WOTUS Page

Mindy – It looks like the last page of the About WOTUS webpage is missing from the email you guys received. I’m not sure how this happened, but I’m attaching a new

version that has the last page included. This includes links to the wetlands page and other CWA programs.

B

**Brittany K. Bennett**  
Ecologist  
U.S. EPA, Office of Water  
ph: 202.564.1896  
[Bennett.Brittany@epa.gov](mailto:Bennett.Brittany@epa.gov)

<About WOTUS with Links v2.pdf>

<404 WOTUS with Links.pdf>

Message

**From:** Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]  
**Sent:** 5/15/2017 9:01:16 PM  
**To:** Grantham, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12a3c2ed7158417fb0bb1b1b72a8cfb0-Grantham, Nancy]; Hart, Daniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c6c7bdc1904543f497682a2da94a1119-Hart, Daniel]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Eisenberg, Mindy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfb4c26bb6f44c7db69f9884628b3ef9-Eisenberg, Mindy]; Orquina, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=35f8dbb8836e42cc8fff027b4bc54c86-Orquina, Jessica]  
**CC:** Bennett, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3d7b265c202c467791ca4d4ac6b8db8b-Bennett, Br]; Fagan, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=636207286dc84c7da82900aec48f7277-Fagan,Susan]  
**Subject:** RE: Redirects should be working now

Agreed. Well done, everyone!

One quick thing, I am finding that if you were to google “clean water rule” and click on the first link it does not redirect. Similarly it will not redirect if “clean water rule” is in all-caps. Is this intentional? Or will it just take a bit more time for everything to redirect to the new site?

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722 | Cell: Personal Phone / Ex. 6

Greenwalt.Sarah@epa.gov

---

**From:** Grantham, Nancy  
**Sent:** Monday, May 15, 2017 4:55 PM  
**To:** Hart, Daniel <Hart.Daniel@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Orquina, Jessica <Orquina.Jessica@epa.gov>  
**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Fagan, Susan <Fagan.Susan@epa.gov>  
**Subject:** RE: Redirects should be working now

Looks terrific //thanks all

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  
Personal Phone / Ex. 6 **(mobile)**

---

**From:** Hart, Daniel  
**Sent:** Monday, May 15, 2017 4:53 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Grantham, Nancy

<Grantham.Nancy@epa.gov>; Orquina, Jessica <Orquina.Jessica@epa.gov>

Cc: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Fagan, Susan <Fagan.Susan@epa.gov>

**Subject:** Redirects should be working now

We're seeing the redirects working now

[www.epa.gov/cleanwaterrule](http://www.epa.gov/cleanwaterrule) redirects to <https://www.epa.gov/wotus-rule>

Daniel (Danny) Hart | Director, Office of Web Communication, Office of Public Affairs, U.S. EPA | desk: 202-564-7577 | cell: Personal Phone / Ex. 6

---

**From:** Bowman, Liz

**Sent:** Monday, May 15, 2017 4:36 PM

**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>

**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Fagan, Susan <Fagan.Susan@epa.gov>; Dibble, Christine <Dibble.Christine@epa.gov>; MacKinnon, Kathleen <MacKinnon.Kathleen@epa.gov>; Hart, Daniel <Hart.Daniel@epa.gov>

**Subject:** RE: Draft WOTUS Web Press Release

Attached, please find the final release with Army's edits incorporated. We will hit send as soon as I get the word from Danny that we are live and ready to go. Thanks for your help – Liz

---

**From:** Eisenberg, Mindy

**Sent:** Monday, May 15, 2017 1:02 PM

**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>

**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Fagan, Susan <Fagan.Susan@epa.gov>; Dibble, Christine <Dibble.Christine@epa.gov>; MacKinnon, Kathleen <MacKinnon.Kathleen@epa.gov>; Hart, Daniel <Hart.Daniel@epa.gov>

**Subject:** RE: Draft WOTUS Web Press Release

Yes, giving Army and Corps a heads up would be good. Either I can send or you can send it to Cindy Barger and she can coordinate.

Mindy Eisenberg

Acting Director, Wetlands Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz

**Sent:** Monday, May 15, 2017 1:00 PM

**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>

**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Fagan, Susan <Fagan.Susan@epa.gov>; Dibble, Christine <Dibble.Christine@epa.gov>; MacKinnon, Kathleen <MacKinnon.Kathleen@epa.gov>; Hart, Daniel <Hart.Daniel@epa.gov>

**Subject:** RE: Draft WOTUS Web Press Release

Press release is attached (with Sarah and Mindy's edits incorporated); should we send this to Army to let them know we are sending it. Who can I contact over there?

Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 12:42 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Fagan, Susan <[fagan.Susan@epa.gov](mailto: fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>  
**Subject:** RE: Draft WOTUS Web Press Release

Thanks Liz,  
Here are a few edits. Let me know if you have any questions.

Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto: eisenberg.mindy@epa.gov)

---

**From:** Bowman, Liz  
**Sent:** Monday, May 15, 2017 12:34 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto: Eisenberg.Mindy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>  
**Cc:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto: greenwalt.sarah@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto: bennett.brittany@epa.gov)>; Fagan, Susan <[fagan.Susan@epa.gov](mailto: fagan.Susan@epa.gov)>; Dibble, Christine <[Dibble.Christine@epa.gov](mailto: Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto: MacKinnon.Kathleen@epa.gov)>; Hart, Daniel <[Hart.Daniel@epa.gov](mailto: Hart.Daniel@epa.gov)>  
**Subject:** Draft WOTUS Web Press Release

Hi Mindy – Attached, please find the draft press release; please review for accuracy and send me any necessary edits in tracked changes. Thank you – Liz

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, May 15, 2017 10:47 AM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto: Grantham.Nancy@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>  
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**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  

Personal Phone / Ex. 6	<b>(mobile)</b>
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Acting Director, Wetlands Division  
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**Subject:** RE: About WOTUS Page

A few questions/edits:

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- 
- 
- 

**Deliberative Process / Ex. 5**

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- 
- 

# Deliberative Process / Ex. 5

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---

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**Sent:** Thursday, May 11, 2017 12:25 PM

**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>

**Cc:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>;

Dibble, Christine <[Dibble.Christine@epa.gov](mailto:Dibble.Christine@epa.gov)>; MacKinnon, Kathleen <[MacKinnon.Kathleen@epa.gov](mailto:MacKinnon.Kathleen@epa.gov)>

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Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

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Washington, DC 20460

(202) 566-1290

[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**From:** Bennett, Brittany

**Sent:** Thursday, May 11, 2017 11:53 AM

**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>

**Subject:** About WOTUS Page

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B

**Brittany K. Bennett**

Ecologist

U.S. EPA, Office of Water

ph: 202.564.1896

[Bennett.Brittany@epa.gov](mailto:Bennett.Brittany@epa.gov)

<About WOTUS with Links v2.pdf>

<404 WOTUS with Links.pdf>

Message

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**From:** Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]  
**Sent:** 5/8/2017 4:45:35 PM  
**To:** Gelber, Bruce (ENRD) [Bruce.Gelber@usdoj.gov]  
**CC:** Minoli, Kevin [Minoli.Kevin@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Middleton, Brandon (ENRD) [Brandon.Middleton@usdoj.gov]; Wood, Jeffrey (ENRD) [Jeffrey.Wood@usdoj.gov]; Grant, Eric (ENRD) [Eric.Grant@usdoj.gov]  
**Subject:** RE: **AWP/DP/ Ex. 5**

# AWP/DP/ Ex. 5

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722 | Cell: **Personal Phone / Ex. 6**

Greenwalt.Sarah@epa.gov

---

**From:** Gelber, Bruce (ENRD) [mailto:Bruce.Gelber@usdoj.gov]  
**Sent:** Monday, May 8, 2017 12:17 PM  
**To:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Middleton, Brandon (ENRD) <Brandon.Middleton@usdoj.gov>; Wood, Jeffrey (ENRD) <Jeffrey.Wood@usdoj.gov>; Grant, Eric (ENRD) <Eric.Grant@usdoj.gov>  
**Subject:** **AWP/DP/ Ex. 5**

# AWP/DP/ Ex. 5

---

Bruce S. Gelber  
Deputy Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W., Room 2609  
Washington, D.C. 20530-0001  
Phone: (202) 514-4624  
Facsimile: (202) 514-0557

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**To:** Hupp, Sydney[hupp.sydney@epa.gov]; Hale, Michelle[hale.michelle@epa.gov]  
**From:** Greenwalt, Sarah  
**Sent:** Fri 4/28/2017 7:01:00 PM  
**Subject:** Fwd: For review & processing: draft proposed step 1 WOTUS rule for OMB review  
[EO12866 WOTUS 2040-AF74 NPRM FRN 20170428.docx](#)  
[ATT00001.htm](#)  
[Signed OWOW to AAA transmittal.pdf](#)  
[ATT00002.htm](#)  
[OMB Review Memo Transmittal AAA To OP Step 1 WOTUS.docx](#)  
[ATT00003.htm](#)

Could one of you pretty please print this for my 4pm with the administrator? Will not have time to stop by my office.

Sent from my iPhone

Begin forwarded message:

**From:** "Eisenberg, Mindy" <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Date:** April 28, 2017 at 2:32:04 PM EDT  
**To:** "Greenwalt, Sarah" <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>, "Dravis, Samantha" <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** Fwd: For review & processing: draft proposed step 1 WOTUS rule for OMB review

As requested, here is the preamble and rule ready for submission. Let me know if you have questions.

Sent from my iPhone

Begin forwarded message:

**From:** "Downing, Donna" <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>  
**Date:** April 28, 2017 at 1:54:55 PM EDT  
**To:** "Evalenko, Sandy" <[Evalenko.Sandy@epa.gov](mailto:Evalenko.Sandy@epa.gov)>  
**Cc:** "Jones-Coleman, Diane" <[Jones-Coleman.Diane@epa.gov](mailto:Jones-Coleman.Diane@epa.gov)>, "Eisenberg, Mindy" <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>, "Weinstock, Larry" <[Weinstock.Larry@epa.gov](mailto:Weinstock.Larry@epa.gov)>, "Goodin, John" <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>, "Nandi, Romell" <[Nandi.Romell@epa.gov](mailto:Nandi.Romell@epa.gov)>, "Kwok, Rose" <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>, "Christensen, Damaris" <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>, "Bennett, Brittany" <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>, "Fields, Wanda" <[Fields.Wanda@epa.gov](mailto:Fields.Wanda@epa.gov)>  
**Subject:** For review & processing: draft proposed step 1 WOTUS rule for OMB review

Hi Sandy:

Attached please find the package "Proposed Request for Public Comments on the Definition of Waters of the United States – Recodification of Preexisting Rules," ready for OMB interagency review. The attachments include:

- The draft proposal (preamble and rule text)
- A .pdf of John Goodin's signed transmittal of the package to Mike Shapiro
- A Word transmittal memo for Mike's transmitting the package to OP's Samantha Davis.

Based on our conversation, I understand these three documents are sufficient for you to oversee OW's review and transmission of the package to OP for subsequent uploading to OMB. In addition, I am bringing a hardcopy of the three documents over as soon as I push "send" on this email. Please let me know if there's anything additional you need.

Thanks, as always, for your help!

Donna

Donna Downing

Acting Chief, Wetlands and Aquatic Resources Regulatory Branch

Office of Wetlands, Oceans & Watersheds

U.S. Environmental Protection Agency

ph: (202) 566-1367

[downing.donna@epa.gov](mailto:downing.donna@epa.gov)

USPS Address:

1200 Pennsylvania Avenue, NW

Washington, DC 20460

Delivery Address:

1301 Constitution Avenue, NW, room 7214-D

Washington, DC 20004

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Greenwalt, Sarah  
**Sent:** Mon 4/24/2017 10:07:07 PM  
**Subject:** FW: revision to wotus preamble for your comments  
WOTUS step 1 preamble draft 4-24.docx

Most up-to-date draft of the WOTUS step 1 preamble. Will bring several copies to the 8am tomorrow morning.

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722 | Cell: Ex. 6

Greenwalt.Sarah@epa.gov

---

**From:** Neugeboren, Steven

**Sent:** Monday, April 24, 2017 4:39 PM

**To:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>

**Cc:** Fotouhi, David <fotouhi.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>;

Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Kupchan, Simma

<Kupchan.Simma@epa.gov>

**Subject:** revision to wotus preamble for your comments

Sarah – As discussed, here is a revised version reflecting your input, highlighted at pp. 5 and 7.

Steven Neugeboren

Associate General Counsel

Water Law Office

Environmental Protection Agency

202-564-5488

**To:** Dravis, Samantha[dravis.samantha@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]  
**From:** Greenwalt, Sarah  
**Sent:** Mon 4/24/2017 6:04:05 PM  
**Subject:** Fwd: Latest draft of preamble, Step 1 -- for review before tomorrow's meeting  
[image001.gif](#)  
[ATT00001.htm](#)  
[WOTUS-2 Step 1 working preamble 4-20-17 for OGC review 4-21 1145clean.docx](#)  
[ATT00002.htm](#)

All,

Here is the latest draft. If OP has any edits to make, please do so by COB. OW has suggested we **Deliberative Process / Ex. 5** Thoughts on that?

Thanks,  
Sarah

Sent from my iPhone

Begin forwarded message:

**From:** "Eisenberg, Mindy" <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Date:** April 24, 2017 at 1:30:17 PM EDT  
**To:** "Greenwalt, Sarah" <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>  
**Subject:** Fwd: Latest draft of preamble, Step 1 -- for review before tomorrow's meeting

Here you go!

Sent from my iPhone

Begin forwarded message:

**From:** "Wehling, Carrie" <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>  
**Date:** April 24, 2017 at 1:03:39 PM EDT  
**To:** "Downing, Donna" <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>, "Eisenberg, Mindy" <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>, "Cooper, David R SES USARMY CEHQ (US)" <[David.R.Cooper@usace.army.mil](mailto:David.R.Cooper@usace.army.mil)>, "Schmauder, Craig R SES (US)" <[craig.r.schmauder.civ@mail.mil](mailto:craig.r.schmauder.civ@mail.mil)>  
**Cc:** "Goodin, John" <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>, "Jensen, Stacey M CIV USARMY HQDA (US)" <[Stacey.M.Jensen@usace.army.mil](mailto:Stacey.M.Jensen@usace.army.mil)>, "Moyer, Jennifer A CIV USARMY CEHQ (US)" <[Jennifer.A.Moyer@usace.army.mil](mailto:Jennifer.A.Moyer@usace.army.mil)>, "Kupchan, Simma" <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>, "Wendelowski, Karyn" <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>, "Neugeboren, Steven" <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>  
**Subject:** Latest draft of preamble, Step 1 -- for review before tomorrow's meeting

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Ferguson, Lincoln[ferguson.lincoln@epa.gov]  
**From:** Greenwalt, Sarah  
**Sent:** Mon 4/17/2017 12:21:29 PM  
**Subject:** FW: draft documents for your review  
draft WOTUS2 tribal consultation letter.docx

Ryan,

This is a letter to the Tribes initiating a consultation on WOTUS similar to the federalism letter we sent a week ago. This is required pursuant to executive order. Lincoln and I have reviewed and I have given the go-ahead, but let me know if you see anything you'd like to change.

You can expect an autopen request to come across your desk sometime today, I think.

Thanks!

**Sarah A. Greenwalt**  
Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency  
Work: 202-564-1722 | Cell: **Ex. 6**  
Greenwalt.Sarah@epa.gov

---

**From:** Ferguson, Lincoln  
**Sent:** Monday, April 17, 2017 8:13 AM  
**To:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Subject:** RE: draft documents for your review

Good morning!

I've attached a copy of the letter with a few minor edits, but keeping the formality of the letter.

Only thing I wasn't sure about is: **Deliberative Process / Ex. 5**  
**Deliberative Process / Ex. 5**

---

**From:** Greenwalt, Sarah  
**Sent:** Friday, April 14, 2017 5:18 PM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** Re: draft documents for your review

Yes let's do that. Can you forward to him now so he can work on it over the weekend? I think we both believe it should go out as quickly as possible. That way we can get it going first thing on Monday.

I may have mentioned this already, but this one will be auto-penned since the Administrator will be out.

Sent from my iPhone  
On Apr 14, 2017, at 5:13 PM, Eisenberg, Mindy <Eisenberg.Mindy@epa.gov> wrote:

It's definitely: **Deliberative Process / Ex. 5**  
**Deliberative Process / Ex. 5**

thanks

Mindy Eisenberg  
Acting Director, Wetlands Division

Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Greenwalt, Sarah  
**Sent:** Friday, April 14, 2017 4:46 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Subject:** Re: draft documents for your review

I'm still caught up in Ryan's office. Can I [Deliberative Process / Ex. 5]

## Deliberative Process / Ex. 5

Sent from my iPhone

On Apr 14, 2017, at 4:03 PM, Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)> wrote:

Hi Sarah,

I just wanted to touch base to see if you had any comments on the tribal consultation letter. If you are OK with it, we will route it for the Administrator's signature.

Thanks,  
Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Eisenberg, Mindy  
**Sent:** Wednesday, April 12, 2017 6:27 PM  
**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>  
**Cc:** Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>; Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>; Campbell, Ann <[Campbell.Ann@epa.gov](mailto:Campbell.Ann@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>; Ruf, Christine <[Ruf.Christine@epa.gov](mailto:Ruf.Christine@epa.gov)>; Downing, Donna <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>  
**Subject:** draft documents for your review

As promised, attached are draft frequently asked questions and a desk statement focused on our upcoming federalism consultation. You will note in the FAQs that we have identified additional questions that we may want to prepare answers for but have not as yet. We are also working on a set of standard talking points and plan to send them to you tomorrow.

I'm also attaching the coordination and consultation letter for the Administrator's signature, along with a background section and coordination plan that is a typical attachment for all of EPA's tribal consultations. Please note that since the date of signature is uncertain, there are a few places for dates identified by yellow highlighting and this will need to be updated when a signature date is identified (signature starts the coordination period).

Once you have reviewed the letter and are ready for us to move forward, we will upload it into the correspondence system for the Administrator's signature. After signature, the letter and coordination

plan will be emailed out to tribes and also mailed by program staff to a list provided by AEIO.

Thanks!  
Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

<draft WOTUS2 tribal consultation letter.docx>

<Draft WOTUS2 FAQs.docx>

<draft federalism desk statement (002).docx>

**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Greenwalt, Sarah  
**Sent:** Wed 4/12/2017 11:46:44 AM  
**Subject:** FW: For Review - draft materials for 10:00 WOTUS  
[Step 1 Rule Draft - 4-11-2017.docx](#)  
[ATT00001.htm](#)  
[WOTUS2 Comms One-Pager 4-11-17.docx](#)  
[ATT00002.htm](#)

It's in 3233 WJCE

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency  
Work: 202-564-1722 | Cell: Personal Phone / Ex. 6  
[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

---

**From:** Eisenberg, Mindy  
**Sent:** Tuesday, April 11, 2017 8:18 PM  
**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>  
**Subject:** Fwd: For Review - draft materials for 10:00 WOTUS

Hi Sarah,  
Here are two documents for our 10:00. Sorry for getting them to you late. I was on travel today.

Mindy

Sent from my iPhone  
Begin forwarded message:

**From:** "Eisenberg, Mindy" <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Date:** April 11, 2017 at 7:13:48 PM EDT  
**To:** "Shapiro, Mike" <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>, "Best-Wong, Benita" <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>  
**Cc:** "Peck, Gregory" <[Peck.Gregory@epa.gov](mailto:Peck.Gregory@epa.gov)>, "Kwok, Rose" <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>, "Christensen, Damaris" <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>, "Downing, Donna" <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>, "Campbell, Ann" <[Campbell.Ann@epa.gov](mailto:Campbell.Ann@epa.gov)>, "Wehling, Carrie" <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>, "Goodin, John" <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>  
**Subject:** For Review - draft materials for 10:00 WOTUS

Mike and Benita,  
Sorry for the late hour. Attached are the latest drafts of the step 1 rule and comms/outreach considerations. We plan to discuss both during the meeting tomorrow, as well as touch on the draft step 1 preamble that we're not quite ready to hand out. Please let me know if you have any comments or concerns, and we will circulate updated versions to the invitees before the meeting.

Thanks,  
Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

**To:** Wagner, Kenneth[wagner.kenneth@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 5/2/2017 2:36:46 AM  
**Subject:** FW: GPEC Executive Briefing | 5.2.17  
[Memo to EPA on CWA 404.pdf](#)  
[Memo to EPA on ESA.pdf](#)

---

**From:** Mike Ingram [mailto:mi@eldoradoholdings.net]  
**Sent:** Monday, May 1, 2017 12:06 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Jim Kenny <jkenny@eldoradoholdings.net>  
**Subject:** GPEC Executive Briefing | 5.2.17

Ryan

In preparation for tomorrow's executive briefing with Jim Kenny, members of the Greater Phoenix Economic Council, and me please take a moment to review with Administrator Pruitt the attached memorandums regarding some of Arizona's concerns with the current Endangered Species Act, current issues with Section 404 of the Clean Water Act, and the possible regulatory changes we would like to discuss.

We are looking forward to meeting soon.

Mike Ingram  
El Dorado Holdings, Inc.

**To:** Freire, JP[Freire.JP@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Thur 4/27/2017 11:39:13 PM  
**Subject:** Accomplishments  
[EPW 2015-2016 Accomplishments Report for 114 Congress.pdf](#)  
[EPW 2015 Accomplishments FINAL.docx](#)

In addition to just keeping the ticker of accomplishments, can we build it out into something like the attached to present to Pruitt?  
And, of course, consistently add to it. It includes not only our work, but how we are getting it out with images.

Ryan Jackson  
Chief of Staff  
U.S. Environmental Protection Agency

**Ex. 6**

**To:** McDonough, Owen[OMcDonough@nahb.org]  
**Cc:** Briggs, Courtney[CBriggs@nahb.org]  
**From:** Jackson, Ryan  
**Sent:** Mon 4/24/2017 8:49:57 AM  
**Subject:** Re: RE:

Thanks for this.

Ryan Jackson  
Chief of Staff  
U.S. EPA

**Ex. 6**

On Apr 23, 2017, at 8:41 PM, McDonough, Owen <OMcDonough@nahb.org> wrote:

Ryan,

Considering there is no nationwide baseline of waters that were jurisdictional before the 2015 rule, it is challenging to determine the costs builders and developers would incur as a result of the regulation.

However, we know that the rule would categorically assert jurisdiction over many more "tributaries" and "adjacent" waters that previously would have had to meet a case-by-case significant nexus test. We also know that some of these now categorically jurisdictional waters would have failed the significant nexus test and not been WOTUS prior to the 2015 rule. For instance, a review of 16 significant nexus approved jurisdictional determinations (AJDs) performed on ephemeral streams in the arid Southwest prior to the 2015 rule found that 15 of the 16 did not satisfy the test and were not jurisdictional. Under the 2015 rule, however, all 16 would be categorically jurisdictional under the "tributary" definition.

In another example of expanded jurisdiction, NAHB compared a pre-2015 rule AJD for wetlands at a residential subdivision in Florida to determine the impact of the "adjacent" and "neighboring" definitions. Under the 2015 rule, we found the total area of jurisdictional wetlands would increase by approximately 30% (48.40 acres to 62.86 acres) and encompass 100% of the total wetland acreage at the site. Clearly, the results of these two case studies are inconsistent with the Agencies' estimate of an increase between 2.84 and 4.65 percent in positive JDs annually.

As more features are deemed jurisdictional, more projects require federal permits. As you know, obtaining these permits is difficult and can generate significant project delays and costs. A 2002 study found that it takes an average of 788 days and \$271,596 to obtain an individual CWA permit and 313 days and \$28,915 for a "streamlined" nationwide permit. (*David Sunding & David Zilberman, The Economics of Environmental Regulations by Licensing: An Assessment of Recent Changes to the Wetland Permitting Process, 42 Nat. Resources J, 59-90 at 74 (2002)*). Importantly, these figures don't take into account the cost of mitigation, which can be exorbitant, ranging from an estimated \$24,989 to \$49,207 per acre nationwide.

Ultimately, increased costs and delays as a result of permits and mitigation are detrimental to housing affordability. As the price of the home increases, those on the verge of qualifying for a new home will no longer be able to afford it. An analysis done by NAHB illustrates the number of households priced out of the market for a median priced new home due to a \$1,000 price increase. Nationally, this price difference means that when a median new home price increases from \$225,000 to \$226,000, some 232,447 households can no longer afford that home.

Please let me know if you've got any questions or would like to discuss any of the above info further.

Best,  
Owen

Owen McDonough, PhD  
Environmental Policy Program Manager  
National Association of Home Builders

OWEN MCDONOUGH Program Manager, Environmental Policy

National Association of Home Builders  
1201 15th Street, NW | Washington, DC 20005

**From:** Briggs, Courtney  
**Sent:** Friday, April 21, 2017 1:51 PM  
**To:** Jackson, Ryan; McDonough, Owen  
**Subject:** Re:

Owen- can you answer Ryan? Thanks.

Sent from my iPhone

COURTNEY G. BRIGGS Director, Federal Legislative

**National Association of Home Builders**

1201 15th Street, NW | Washington, DC 20005

d: Ex. 6 m: Personal Phone / Ex. 6 e: CBriggs@nahb.org w: nahb.org

- > On Apr 21, 2017, at 1:50 PM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:
- >
- > Hey Courtney, would NAHB have costs to the home building industry expected or initially incurred due to cost of permitting or new permitting under Wotus?
- >
- > Ryan Jackson
- > Chief of Staff
- > U.S. EPA
- > Ex. 6

**To:** Hupp, Sydney[hupp.sydney@epa.gov]  
**From:** Jackson, Ryan  
**Sent:** Tue 4/4/2017 12:01:07 AM  
**Subject:** RE: NAFO

Yes, that's a big meeting. Let's put it in the Alm Room. Mandy and Sarah Greenwalt are the staff assigned to this.

---

**From:** Hupp, Sydney  
**Sent:** Monday, April 3, 2017 7:02 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** NAFO

**Will you take a look at this info please and let me know who should staff/ look at the participants and confirm we are good?**

**Meeting Date:** April 5, 2017

**Meeting Time:** 3:50 pm

**Requested Location (if offsite, please list address, parking instructions, etc.):** EPA, Administrator's Office

**Requestor:** The National Alliance of Forest Owners is an advocacy association of 48 companies and 29 forestry associations representing over 80 million acres of private forestland throughout the country. Nationwide, private forests constitute 70% of the nation's forests and support 2.4 million jobs and \$99 billion in annual payroll.

**Purpose of the Meeting:** To introduce the National Alliance of Forest Owners to the Administrator and discuss how forest owners and EPA can work together on water and air policies that will support jobs in the forestry sector and the rural economy overall.

**Background on the Meeting:** NAFO has two significant policy matters pending before EPA:

1. Regulation of Biomass Carbon Emissions

- Forest biomass is a plentiful renewable energy resource that is typically the product of forest management or mill operations.
- Producing energy from this low value product provides mills with an efficient power supply, supports jobs in rural communities and provides a better economic return for forest owners, many of whom continue to struggle to find markets for their wood following the Great Recession.
- For many years, EPA policy treated biomass as carbon neutral, in line with the rest of the world, meaning that any carbon emitted from combustion of biomass is recaptured by growing forests as part of the natural carbon cycle.
- In 2010, without public notice or scientific basis, EPA's "Tailoring Rule" reversed that policy and regulated greenhouse gas emissions from biomass without regard for the natural carbon cycle.
- Since 2010 EPA has repeatedly committed to revise and clarify its biomass policy but failed to do so. The resulting uncertainty has stalled investment in biomass energy at mills and stand-alone facilities.

We are seeking to work with EPA to remove uncertainty about biomass in EPA policy through amendments to the Tailoring Rule that are pending at OMB. Clarity on biomass will correct EPA's policy on biomass, restore the natural forest carbon cycle as the underpinning for biomass energy policy, and support job-sustaining investment.

2. Waters of the US (WOTUS) Regulations

- Forest management activities are generally consider nonpoint sources except for stormwater control ditches and herbicide applications.
- Courts have required NPDES permits for herbicide applications in forests, but EPA has elected not to regulate ditches as point sources.
- However, the expansion of WOTUS under the new definition will create confusion about where else the permits are required and what additional requirements are imposed if the ditches are now WOTUS.
- Features that EPA declared to be WOTUS in the revised definition that are of concern to NAFO members include ephemeral and intermittent streams, ditches, and isolated wetlands.

**Role of the Administrator:** To provide insight on the issues listed above.

**Attendees:**

1. Michael Kelly - President, Forest Investment Associates
2. Douglas Reed - President, Green Diamond Resource Company
3. Dan Christensen - Chairman, Hancock Natural Resource Group
4. Toby Luther - President and CEO, Lone Rock Resources
5. Steve Hicks - President and CEO, JM Longyear LLC
6. Jerry Barag - President and CEO, CatchMark Timber
7. Wesley Langdale - President, The Langdale Company
8. Rene Ancinas - CEO, Port Blakely Tree Farms
9. Peter Sikora – CEO, Giustina Resources
10. Chris Zinkan - Chairman and CEO, The Forestland Group
11. Cam Crawford - President and CEO, South Carolina Forestry Association
12. Tom Colgan - President and CEO, Wagner Forest Management
13. Eva Greger - Managing Director, GMO Renewable Resources
14. Earl Barrs – President, Due South Investments
15. Wanda Barrs - Owner, Gully Branch Tree Farm
16. Lee Wright, Managing Director, Jamestown
17. Dave Tenny – CEO, NAFO
18. Chip Murray – VP for Policy and General Counsel, NAFO
19. Mark Emmerson - Chairman and CFO, Sierra Pacific Industries

Sydney Hupp

Office of the Administrator- Scheduling

Personal Phone / Ex. 6

**Organizer:** Gelber, Bruce (ENRD)[Bruce.Gelber@usdoj.gov]  
**From:** Gelber, Bruce (ENRD)  
**Location:** RFK 2143 - Call in Nonresponsive Conference Code/ Ex. 6  
**Importance:** Normal  
**Subject:** Options for Revising WOTUS Rule  
**Start Time:** Fri 3/17/2017 7:00:00 PM  
**End Time:** Fri 3/17/2017 8:00:00 PM  
**Required Attendees:** Kupchan, Simma

All visitors to the Robert F. Kennedy Justice Department Building must enter via the Constitution Avenue center entrance located between 9<sup>th</sup> & 10<sup>th</sup> Streets, NW and will need to show a photo ID.

**Leader PIN:** Nonresponsive Conference Code/ Ex. 6

Message

---

**From:** Mikalian, Charles [mikalian.charles@epa.gov]  
**Sent:** 6/12/2017 6:21:35 PM  
**To:** Kupchan, Simma [Kupchan.Simma@epa.gov]  
**Subject:** what we discussed  
**Attachments:** CWA Memo rett to bob+mgc.docx

Charles Mikalian  
Associate Regional Counsel  
EPA Region 5  
ph: (312) 886-2242

**To:** Kupchan, Simma[Kupchan.Simma@epa.gov]  
**From:** Wehling, Carrie/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]  
**Sent:** Tue 5/30/2017 3:47:32 PM (UTC)  
**Subject:** RE: Responding to OMB Step 1 proposal comments

I assume we can followup with Mindy on this at the 1 pm.....

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
wehling.carrie@epa.gov

---

**From:** Neugeboren, Steven  
**Sent:** Tuesday, May 30, 2017 10:58 AM  
**To:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** RE: Responding to OMB Step 1 proposal comments

## Attorney Client / Deliberative Process / Ex. 5

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
Environmental Protection Agency  
202-564-5488

---

**From:** Wehling, Carrie  
**Sent:** Tuesday, May 30, 2017 8:53 AM  
**To:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** FW: Responding to OMB Step 1 proposal comments

## Attorney Client / Deliberative Process / Ex. 5

Thoughts?

Carrie

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
wehling.carrie@epa.gov

---

**From:** Greenwalt, Sarah  
**Sent:** Tuesday, May 30, 2017 7:52 AM  
ED\_001271\_00201024-00001

WOTUS\_Rule\_FOIA\_s\_0029452

**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>; Peck, Gregory <[Peck.Gregory@epa.gov](mailto:Peck.Gregory@epa.gov)>; Campbell, Ann <[Campbell.Ann@epa.gov](mailto:Campbell.Ann@epa.gov)>; Orvin, Chris <[Orvin.Chris@epa.gov](mailto:Orvin.Chris@epa.gov)>; Lamont, Douglas W SES (US) <[douglas.w.lamont2.civ@mail.mil](mailto:douglas.w.lamont2.civ@mail.mil)>; Schmauder, Craig R SES (US) <[craig.r.schmauder.civ@mail.mil](mailto:craig.r.schmauder.civ@mail.mil)>; Cindy Barger <[cindy.s.barger.civ@mail.mil](mailto:cindy.s.barger.civ@mail.mil)>; Jensen, Stacey M CIV USARMY HQDA (US) <[Stacey.M.Jensen@usace.army.mil](mailto:Stacey.M.Jensen@usace.army.mil)>; jennifer.a.moyer@usace.army.mil; David.F.Dale@usace.army.mil; Cooper, David R SES USARMY CEHQ (US) <[David.R.Cooper@usace.army.mil](mailto:David.R.Cooper@usace.army.mil)>; Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Downing, Donna <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; McGartland, Al <[McGartland.Al@epa.gov](mailto:McGartland.Al@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>; Hewitt, Julie <[Hewitt.Julie@epa.gov](mailto:Hewitt.Julie@epa.gov)>; Nickerson, William <[Nickerson.William@epa.gov](mailto:Nickerson.William@epa.gov)>; Adamson, Joseph <[adamson.joseph@epa.gov](mailto:adamson.joseph@epa.gov)>  
**Cc:** Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>  
**Subject:** RE: Responding to OMB Step 1 proposal comments

Mindy,

## Attorney Client / Deliberative Process / Ex. 5

Thanks again.

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722 | Cell: Personal Phone / Ex. 6

[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

---

**From:** Eisenberg, Mindy

**Sent:** Friday, May 26, 2017 10:21 AM

**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>; Peck, Gregory <[Peck.Gregory@epa.gov](mailto:Peck.Gregory@epa.gov)>; Campbell, Ann <[Campbell.Ann@epa.gov](mailto:Campbell.Ann@epa.gov)>; Orvin, Chris <[Orvin.Chris@epa.gov](mailto:Orvin.Chris@epa.gov)>; Lamont, Douglas W SES (US) <[douglas.w.lamont2.civ@mail.mil](mailto:douglas.w.lamont2.civ@mail.mil)>; Schmauder, Craig R SES (US) <[craig.r.schmauder.civ@mail.mil](mailto:craig.r.schmauder.civ@mail.mil)>; Cindy Barger <[cindy.s.barger.civ@mail.mil](mailto:cindy.s.barger.civ@mail.mil)>; Jensen, Stacey M CIV USARMY HQDA (US) <[Stacey.M.Jensen@usace.army.mil](mailto:Stacey.M.Jensen@usace.army.mil)>; jennifer.a.moyer@usace.army.mil; David.F.Dale@usace.army.mil; Cooper, David R SES USARMY CEHQ (US) <[David.R.Cooper@usace.army.mil](mailto:David.R.Cooper@usace.army.mil)>; Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Downing, Donna <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; McGartland, Al <[McGartland.Al@epa.gov](mailto:McGartland.Al@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>; Hewitt, Julie <[Hewitt.Julie@epa.gov](mailto:Hewitt.Julie@epa.gov)>; Nickerson, William <[Nickerson.William@epa.gov](mailto:Nickerson.William@epa.gov)>; Adamson, Joseph <[adamson.joseph@epa.gov](mailto:adamson.joseph@epa.gov)>

**Subject:** Responding to OMB Step 1 proposal comments

All,

EPA/Corps/Army staff have reviewed the interagency comments and have addressed most of those comments (see attached which shows comments and track-changes.) There are four key issues that we are raising for senior leadership attention and guidance. We've summarized each outstanding issue, plus our recommended approach to addressing each issue. Please let me know how folks would like to handle these issues and we will work with OP to transmit the marked up document back to OMB. Also, OMB offered a meeting with DOJ if needed, so please let me know if this is of interest.

Thanks

# **Attorney Client / Deliberative Process / Ex. 5**

# **Attorney Client / Deliberative Process / Ex. 5**

# Attorney Client / Deliberative Process / Ex. 5

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

Appointment

**From:** Christensen, Damaris [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E04107C23C1043D6967754064C477A29-CHRISTENSEN, DAMARIS]  
**Sent:** 5/22/2017 6:40:50 PM  
**To:** Cindy Barger [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user3faffd36]; Jensen, Stacey M CIV USARMY HQDA (US) [Stacey.M.Jensen@usace.army.mil]; Kwok, Rose [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3d2987ba8f246a5a9e37773201fd180-Kwok, Rose]; Downing, Donna [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d853e50d3a2b489daf2cc498c052e3d6-DDowning]; Eisenberg, Mindy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfb4c26bb6f44c7db69f9884628b3ef9-Eisenberg, Mindy]; Kupchan, Simma [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=784e0aea94a7485fa0435cc0cf5a62a5-SASHER]; Schaller, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=50990dffaa4e4321955c0e675c4cfb30-Aschalle]  
**CC:** Hurlid, Kathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2f3b04131f1145fcb4ccf5b0a64c1ac4-KHurlid]  
**Subject:** federalism letters and analysis  
**Attachments:** Draft Federalism Comment Summar format.docx  
**Location:** DCRoomWest7129/DC-CCW-OWOW  
**Start:** 5/24/2017 2:00:00 PM  
**End:** 5/24/2017 3:00:00 PM  
**Show Time As:** Tentative

As I indicated, this is a meeting for us to talk through:

- 1.
- 2.
- 3.
- 4.

# Deliberative Process / Ex. 5

I'm scheduling for an hour, not because I expect it to take that long, but to provide a buffer to walk over to our 11 o'clock.

Let me know if anyone besides Andrea will be calling in; if so I can set up a conference line. Otherwise we can call Andrea directly.

Damaris

---

**From:** Schaller, Andrea  
**Sent:** Tuesday, May 16, 2017 12:37 PM  
**To:** Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>  
**Subject:** federalism

Hey ladies

Working on setting up a framework for reading all the federalism comments.

## Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Andrea

**Andrea Schaller**  
**USEPA-Region 5**  
**77 W. Jackson Blvd, WW-16J**  
**Chicago, IL 60604**

[schaller.andrea@epa.gov](mailto:schaller.andrea@epa.gov)  
**312-886-0746**

Message

**From:** Wehling, Carrie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]  
**Sent:** 5/17/2017 12:23:23 PM  
**To:** Kwok, Rose [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3d2987ba8f246a5a9e37773201fd180-Kwok, Rose]; Perrin, Rebecca [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=211732feff0c4770aebbe631f7a0e016-Perrin, Rebecca]; Livingston, Peggy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3400499519284088ab18df0935e6665c-Livingston, Peggy]; Christensen, Damaris [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e04107c23c1043d6967754064c477a29-Christensen, Damaris]; Downing, Donna [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d853e50d3a2b489daf2cc498c052e3d6-DDowning]; Wendelowski, Karyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1d913e7d7397466a803149761a0bdf18-KWENDELO]  
**CC:** Kupchan, Simma [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=784e0aea94a7485fa0435cc0cf5a62a5-SASHER]  
**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

OK with me.

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
wehling.carrie@epa.gov

---

**From:** Kwok, Rose  
**Sent:** Tuesday, May 16, 2017 5:31 PM  
**To:** Perrin, Rebecca <Perrin.Rebecca@epa.gov>; Livingston, Peggy <Livingston.Peggy@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wendelowski, Karyn <>wendelowski.karyn@epa.gov>  
**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Hi Rebecca – do you mind if we changed Deliberative Process / Ex. 5? See below for suggested edit. Thanks!

---

**From:** Perrin, Rebecca  
**Sent:** Tuesday, May 16, 2017 5:23 PM  
**To:** Kwok, Rose <Kwok.Rose@epa.gov>; Livingston, Peggy <Livingston.Peggy@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wendelowski, Karyn <>wendelowski.karyn@epa.gov>  
**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

No problem: below is the email we will send with the attached presentation. Any edits?

Dear Agriculture Commissioners, Directors and Secretary:

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

Please let me know if you have any questions.

Thanks!

Rebecca Perrin  
Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA  
1595 Wynkoop Street | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

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---

**From:** Kwok, Rose  
**Sent:** Tuesday, May 16, 2017 2:48 PM  
**To:** Livingston, Peggy <Livingston.Peggy@epa.gov>; Perrin, Rebecca <Perrin.Rebecca@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

We have not added the PDF of the federalism presentation to our website, so please use the one that Peggy sent a few seconds ago.

Please use these links for the press release and the letter to the governors:

The letter has been posted to our website at: <https://www.epa.gov/wotus-rule/letter-governors-soliciting-input-defining-waters-united-states>.

The press release is at: <https://www.epa.gov/newsreleases/epa-and-us-army-solicit-state-input-redefining-waters-us-0>

The press release that was sent out had a typo in it. I've corrected it below, but that's why I suggested sending a link directly to the press release on the website.

---

**From:** Livingston, Peggy  
**Sent:** Tuesday, May 16, 2017 4:44 PM  
**To:** Perrin, Rebecca <Perrin.Rebecca@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Yes, I interpret these emails to mean that it's also OK for you to share the press release and the power point.

I've attached the powerpoint. BUT if Rose has already made the replacement she mentioned in her email and has a more up-to-date version, probably you should use the replacement one instead.

Peggy Livingston  
Senior Enforcement Attorney

Legal Enforcement Program  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
(303) 312-6858 (phone)  
(303) 312-7202 (fax)

---

**From:** Perrin, Rebecca  
**Sent:** Tuesday, May 16, 2017 2:30 PM  
**To:** Livingston, Peggy <Livingston.Peggy@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Hi all,

Peggy let me know that we are good to share the press release below, the link to the letter to the Governors and the PowerPoint presentation to our State Ag commissioners.

I am drafting that email currently but I cannot find the power point presentation. Can someone send me the pdf version that I can share? Thanks.

I want to try and get this out today if possible.

Thanks!

Rebecca Perrin  
Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA  
1595 Wynkoop Street | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

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---

**From:** Livingston, Peggy  
**Sent:** Tuesday, May 16, 2017 10:21 AM  
**To:** Kwok, Rose <Kwok.Rose@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Thank you to all of you.

Peggy Livingston  
Senior Enforcement Attorney  
Legal Enforcement Program  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
(303) 312-6858 (phone)  
(303) 312-7202 (fax)

---

**From:** Kwok, Rose  
**Sent:** Tuesday, May 16, 2017 10:01 AM  
**To:** Livingston, Peggy <Livingston.Peggy@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Hi Peggy,

The letter has been posted to our website at: <https://www.epa.gov/wotus-rule/letter-governors-soliciting-input-defining-waters-united-states>.

The press release is at: <https://www.epa.gov/newsreleases/epa-and-us-army-solicit-state-input-redefining-waters-us-0>

I just realized that the PDF of the PowerPoint on the Sharepoint has Damaris' name in the author and it shouldn't. I'll replace it, but use this one for now.

You are all clear to share these things.

---

**From:** Livingston, Peggy  
**Sent:** Monday, May 15, 2017 5:17 PM  
**To:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Hi. I gather that it's OK for Region 8 to provide copies of the letter, the press release, and the federalism powerpoint to state environmental directors and state agriculture directors. However, if it's not, would you please let me know by, say, mid-week? I've been getting calls from our RA's office. Thank you.

Peggy Livingston  
Senior Enforcement Attorney  
Legal Enforcement Program  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
(303) 312-6858 (phone)  
(303) 312-7202 (fax)

**CONTACT:**  
[press@epa.gov](mailto:press@epa.gov)

**FOR IMMEDIATE RELEASE**  
May 9, 2017

## **EPA and U.S. Army Solicit State Input on Redefining “Waters of the U.S.”**

*“EPA is restoring states’ important role in the regulation of water” – Administrator Pruitt*

**WASHINGTON** – U.S. Environmental Protection Agency and the U.S. Army sent a letter to governors today soliciting input from states on a new definition of protected waters that is in-line with a Supreme Court Justice Antonin Scalia’s opinion in the 2006 *Rapanos v. United States* case. Scalia’s definition explains that federal oversight should extend to “relatively permanent” waters and wetlands with a “continuous surface connection” to large rivers and streams.

“EPA is restoring states’ important role in the regulation of water,” **said EPA Administrator Scott Pruitt**. “Like President Trump, I believe that we need to work with our state governments to understand what they think is the best way to protect their waters, and what actions they are already taking to do so. We want to return to a regulatory partnership, rather than regulate by executive fiat.”

"The Army, together with the Corps of Engineers, is committed to working closely with and supporting the EPA on these rulemakings. As we go through the rulemaking process, we will continue to make the implementation of the Clean Water Act Section 404 regulatory program as transparent as possible for the regulated public, " **said Douglas Lamont, senior official performing the duties of the Assistant Secretary of the Army for Civil Works**.

The Clean Water Act asserts federal control over navigable waters without providing clarity or details about the law’s scope. President Donald Trump signed an executive order on February 28, 2017 to direct federal agencies to roll back and replace the Obama Administration’s Clean Water Rule – also known as the “Waters of the U.S.” or WOTUS – to ensure that the nation’s navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution.

To meet the objectives of the executive order, federal agencies are following a two-step process that will provide as much certainty as possible, as quickly as possible, to the regulated community and the public during the development of the replacement rule.

The first step is to revise the Code of Federal Regulations to re-codify the definition of “Waters of the United States” which currently governs administration of the Clean Water Act, in light of a decision by the U.S. Court of Appeals for the Sixth Circuit staying a definition of “Waters of the United States” promulgated by the agencies in 2015. This action will simply make the text of the Code of Federal Regulations reflect the definition currently in effect under the Sixth Circuit stay. This action, when final, will not change current practice with respect to the how the definition applies, which is consistent with Supreme Court decisions, agency guidance documents, and longstanding practice.

The second step will be a public notice-and-comment rulemaking involving a substantive reevaluation and revision of the definition of “Waters of the U.S.” in accordance with the executive order. The letter sent to governors today is seeking input on the second step of the process.

R079

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).  
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

**From:** Christensen, Damaris [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E04107C23C1043D6967754064C477A29-CHRISTENSEN, DAMARIS]  
**Sent:** 5/16/2017 2:34:01 AM  
**To:** Kwok, Rose [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3d2987ba8f246a5a9e37773201fd180-Kwok, Rose]  
**CC:** Wehling, Carrie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3e55f11fdc7489698be69849b301da6-CWEHLING]; Downing, Donna [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d853e50d3a2b489daf2cc498c052e3d6-DDowning]; Kupchan, Simma [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=784e0aea94a7485fa0435cc0cf5a62a5-SASHER]; Bennett, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3d7b265c202c467791ca4d4ac6b8db8b-Bennett, Br]  
**Subject:** Re: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

**Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Damaris

Sent from my iPhone

On May 15, 2017, at 7:58 PM, Kwok, Rose <Kwok.Rose@epa.gov> wrote:

**Deliberative Process / Ex. 5**

**From:** Kwok, Rose  
**Sent:** Monday, May 15, 2017 7:56 PM  
**To:** Livingston, Peggy <Livingston.Peggy@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

**Deliberative Process / Ex. 5**

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Denver, CO 80202  
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**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

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**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

**Deliberative Process / Ex. 5**

Carrie

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
[wehling.carrie@epa.gov](mailto:wehling.carrie@epa.gov)

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Carrie <Wehling.Carrie@epa.gov>

**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

# Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Damaris

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**Sent:** Friday, May 12, 2017 1:19 PM

**To:** Livingston, Peggy <Livingston.Peggy@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>

**Subject:** Re: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Hi Peggy,

For 1,

Deliberative Process / Ex. 5

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2.

Deliberative Process / Ex. 5

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Rose Kwok

U.S. Environmental Protection Agency

Wetlands Division

[kwok.rose@epa.gov](mailto:kwok.rose@epa.gov)

202-566-0657, 202-566-1375 (fax)

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**From:** Livingston, Peggy

**Sent:** Friday, May 12, 2017 1:10:02 PM

**To:** Kwok, Rose; Christensen, Damaris; Downing, Donna; Wendelowski, Karyn; Wehling, Carrie

**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Hi. Thank you for sending this information. Someone in Region 8 called me with the following questions, because she's been getting questions from at least one of our states.

# Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Thank you very much.

Peggy Livingston  
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---

**From:** Kwok, Rose

**Sent:** Tuesday, May 09, 2017 3:40 PM

**To:** OW-OWOW-WD <OWOWOWWD@epa.gov>; EPA Wetlands Managers <EPA\_Wetlands\_Managers@epa.gov>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Sachs, Erica <Sachs.Erica@epa.gov>; Williams, Ann <Williams.Ann@epa.gov>; Montella, Daniel <Montella.Daniel@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>; Shamet, Stefania <Shamet.Stefania@epa.gov>; Somerville, Eric <Somerville.Eric@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Melgin, Wendy <melgin.wendy@epa.gov>; Schaller, Andrea <schaller.andrea@epa.gov>; Fontenot, Alison <Fontenot.Alison@epa.gov>; Schafer, Jeannette <schafer.jeannette@epa.gov>; McCarthy, Julia <McCarthy.Julia@epa.gov>; Livingston, Peggy <Livingston.Peggy@epa.gov>; Leidy, Robert <Leidy.Robert@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Stokely, Peter <Stokely.Peter@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Flannery-Keith, Erin <Flannery-Keith.Erin@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Auerbach, Daniel <Auerbach.Daniel@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Balasa, Kate <balasa.kate@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Cantilli, Robert <Cantilli.Robert@epa.gov>; Martinez, Maria <Martinez.Maria@epa.gov>; Cindy Barger <cindy.s.barger.civ@mail.mil>; Morgan, James <Morgan.James@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Alexander, Laurie <Alexander.Laurie@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>

**Cc:** Peterson, Carol <Peterson.Carol@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Horchem, Brad <horchem.brad@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Kovac, Steve <Kovac.Steve@epa.gov>

**Subject:** FW: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Hi Folks,

FYI, letters signed by the Administrator and Mr. Douglas Lamont (Senior Official Performing the Duties of the Assistant Secretary of the Army, Civil Works) are being sent out today to all of the governors (the last we heard from OCIR earlier this afternoon, they were still transmitting the letters via email and would be mailing a hard copy soon) regarding the forthcoming WOTUS rulemakings. I've attached a sample of the letters that were sent out, and the press release is below. We have notified the Administrator's office of a typo in the press release (Deliberative Process / Ex. 5) but wanted to be sure you had these materials as an FYI. I'll also be posting these letters to the internet site. Please let us know if you have any questions. We heard that this press release went out at 11 am today.



**CONTACT:**

[press@epa.gov](mailto:press@epa.gov)

**FOR IMMEDIATE RELEASE**

May 9, 2017

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**Sent:** 5/15/2017 11:55:58 PM  
**To:** Livingston, Peggy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3400499519284088ab18df0935e6665c-Livingston, Peggy]; Wehling, Carrie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3e55f11fdc7489698be69849b301da6-CWEHLING]; Christensen, Damaris [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e04107c23c1043d6967754064c477a29-Christensen, Damaris]; Downing, Donna [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d853e50d3a2b489daf2cc498c052e3d6-DDowning]; Kupchan, Simma [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=784e0aea94a7485fa0435cc0cf5a62a5-SASHER]  
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Carrie

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**Sent:** Tuesday, May 09, 2017 3:40 PM  
**To:** OW-OWOW-WD <[OWOWOWWD@epa.gov](mailto:OWOWOWWD@epa.gov)>; EPA Wetlands Managers <[EPA\\_Wetlands\\_Managers@epa.gov](mailto:EPA_Wetlands_Managers@epa.gov)>; Jensen, Stacey M CIV USARMY HQDA (US) <[Stacey.M.Jensen@usace.army.mil](mailto:Stacey.M.Jensen@usace.army.mil)>; Sachs, Erica <[Sachs.Erica@epa.gov](mailto:Sachs.Erica@epa.gov)>;

Williams, Ann <Williams.Ann@epa.gov>; Montella, Daniel <Montella.Daniel@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>; Shamet, Stefania <Shamet.Stefania@epa.gov>; Somerville, Eric <Somerville.Eric@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Melgin, Wendy <melgin.wendy@epa.gov>; Schaller, Andrea <schaller.andrea@epa.gov>; Fontenot, Alison <Fontenot.Alison@epa.gov>; Schafer, Jeannette <schafer.jeannette@epa.gov>; McCarthy, Julia <McCarthy.Julia@epa.gov>; Livingston, Peggy <Livingston.Peggy@epa.gov>; Leidy, Robert <Leidy.Robert@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Stokely, Peter <Stokely.Peter@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Flannery-Keith, Erin <Flannery-Keith.Erin@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Auerbach, Daniel <Auerbach.Daniel@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavid, Michael W. <Mcdavit.Michael@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Balasa, Kate <balasa.kate@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Cantilli, Robert <Cantilli.Robert@epa.gov>; Martinez, Maria <Martinez.Maria@epa.gov>; Cindy Barger <cindy.s.barger.civ@mail.mil>; Morgan, James <Morgan.James@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Alexander, Laurie <Alexander.Laurie@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>

**Cc:** Peterson, Carol <Peterson.Carol@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Horchem, Brad <horchem.brad@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Kovac, Steve <Kovac.Steve@epa.gov>

**Subject:** FW: EPA and U.S. Army Solicit State Input on Redefining “Waters of the U.S.”

Hi Folks,

FYI, letters signed by the Administrator and Mr. Douglas Lamont (Senior Official Performing the Duties of the Assistant Secretary of the Army, Civil Works) are being sent out today to all of the governors (the last we heard from OCIR earlier this afternoon, they were still transmitting the letters via email and would be mailing a hard copy soon) regarding the forthcoming WOTUS rulemakings. I’ve attached a sample of the letters that were sent out, and the press release is below. We have notified the Administrator’s office of a typo in the press release: Deliberative Process / Ex. 5 but wanted to be sure you had these materials as an FYI. I’ll also be posting these items to the SharePoint site. Please let us know if you have any questions. We heard that this press release went out at 11 am today.



**CONTACT:**  
[press@epa.gov](mailto:press@epa.gov)

**FOR IMMEDIATE RELEASE**  
May 9, 2017

## **EPA and U.S. Army Solicit State Input on Redefining “Waters of the U.S.”**

*“EPA is restoring states’ important role in the regulation of water” – Administrator Pruitt*

**WASHINGTON** – U.S. Environmental Protection Agency and the U.S. Army sent a letter to governors today

soliciting input from states on a new definition of protected waters that is in-line with a Supreme Court Justice Antonin Scalia's opinion in the 2006 Rapanos v. United States case. Scalia's definition explains that federal oversight should extend to "relatively permanent" waters and wetlands with a "continuous surface connection" to large rivers and streams.

"EPA is restoring states' important role in the regulation of water," **said EPA Administrator Scott Pruitt.** "Like President Trump, I believe that we need to work with our state governments to understand what they think is the best way to protect their waters, and what actions they are already taking to do so. We want to return to a regulatory partnership, rather than regulate by executive fiat."

"The Army, together with the Corps of Engineers, is committed to working closely with and supporting the EPA on these rulemakings. As we go through the rulemaking process, we will continue to make the implementation of the Clean Water Act Section 404 regulatory program as transparent as possible for the regulated public, " **said Douglas Lamont, senior official performing the duties of the Assistant Secretary of the Army for Civil Works.**

The Clean Water Act asserts federal control over "traditionally navigable waters" without providing clarity or details about the law's scope. President Donald Trump signed an executive order on February 28, 2017 to direct federal agencies to roll back and replace the Obama Administration's Clean Water Rule – also known as the "Waters of the U.S." or WOTUS – to ensure that the nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution.

To meet the objectives of the executive order, federal agencies are following a two-step process that will provide as much certainty as possible, as quickly as possible, to the regulated community and the public during the development of the replacement rule.

The first step is to revise the Code of Federal Regulations to re-codify the definition of "Waters of the United States" which currently governs administration of the Clean Water Act, in light of a decision by the U.S. Court of Appeals for the Sixth Circuit staying a definition of "Waters of the United States" promulgated by the agencies in 2015. This action will simply make the text of the Code of Federal Regulations reflect the definition currently in effect under the Sixth Circuit stay. This action, when final, will not change current practice with respect to the how the definition applies, which is consistent with Supreme Court decisions, agency guidance documents, and longstanding practice.

The second step will be a public notice-and-comment rulemaking involving a substantive reevaluation and revision of the definition of "Waters of the U.S." in accordance with the executive order. The letter sent to governors today is seeking input on the second step of the process.

R079

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).  
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

**To:** Kupchan, Simma[Kupchan.Simma@epa.gov]  
**From:** Wehling, Carrie[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]  
**Sent:** Mon 5/15/2017 1:19:32 PM (UTC)  
**Subject:** FW: 5.12.17 pm Version of Website

**Attorney Client / Deliberative Process / Ex. 5**

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
wehling.carrie@epa.gov

---

**From:** Eisenberg, Mindy  
**Sent:** Friday, May 12, 2017 4:56 PM  
**To:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Goodin, John <Goodin.John@epa.gov>; Cindy Barger <cindy.s.barger.civ@mail.mil>; Moyer, Jennifer A CIV USARMY CEHQ (US <Jennifer.A.Moyer@usace.army.mil>  
**Cc:** Bennett, Brittany <bennett.brittany@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>  
**Subject:** FW: 5.12.17 pm Version of Website

Hi All,  
Attached are PDFs of the latest iteration of the new WOTUS rulemaking website and the updated Section 404 web page for jurisdiction (Thank You Brittany!). Please take a look and send Brittany and me any comments/edits by 10 AM on Monday so Brittany can make any changes. Our goal is to be able to go live by early afternoon.

Thanks!  
Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Bennett, Brittany  
**Sent:** Friday, May 12, 2017 4:51 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>  
**Subject:** 5.12.17 pm Version of Website

Hey All,

Attached is the latest iteration of the pages. The edits I received were scattered throughout a lot of email chains, but I think I incorporated them all. I'll also give this a proofread Sunday evening or Monday morning when I'm a little less cross-eyed. Please note that I changed the headline for the homepage banner (**Deliberative Process / Ex. 5**). I have checked all of the links (but, again, will double check post-crosseye) and created all of the document pages necessary.

Mindy, please include Carrie Wehling in your distribution, per Simma's request.

B

**Brittany K. Bennett**

Ecologist

U.S. EPA, Office of Water

ph: 202.564.1896

[Bennett.Brittany@epa.gov](mailto:Bennett.Brittany@epa.gov)

# **Attorney Client / Deliberative Process / Ex. 5**

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

**To:** Downing, Donna[Downing.Donna@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]  
**From:** Shamet, Stefania  
**Sent:** Fri 4/28/2017 5:43:37 PM  
**Subject:** FW: Summary of EPW Hearing: A Review of the Technical, Scientific, and Legal Basis of the WOTUS Rule  
[Hearing Summary Senate EPW Review of WOTUS 04-26-17.docx](#)

Assume you watched and probably have this from elsewhere, but just in case...

---

**From:** Bigioni, Neil  
**Sent:** Friday, April 28, 2017 1:36 PM  
**To:** R3 ORC <R3\_ORC@epa.gov>  
**Subject:** FW: Summary of EPW Hearing: A Review of the Technical, Scientific, and Legal Basis of the WOTUS Rule

FYI for those who are interested.

Neil

---

**From:** D'Andrea, Michael  
**Sent:** Friday, April 28, 2017 11:12 AM  
**To:** R3 DIRECTORS <R3\_DIRECTORS@epa.gov>; R3 Deputies <R3\_Deputies@epa.gov>; R3 C2s <R3\_C2s@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>  
**Cc:** saxe, jennie <saxe.jennie@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>  
**Subject:** Summary of EPW Hearing: A Review of the Technical, Scientific, and Legal Basis of the WOTUS Rule

Here's a written summary of this week's Senate EPW hearing on WOTUS that was drafted by HQ OCIR.  
This will save 2 hours of your time viewing the hearing, as I mentioned in my previous message.

**To:** Neugeboren, Steven[Neugeboren.Steven@epa.gov]  
**Cc:** Goodin, John[Goodin.John@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Kwok, Rose[Kwok.Rose@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]  
**Sent:** Tue 4/25/2017 8:18:46 PM  
**Subject:** RE: WOTUS preamble edits from SG and JS

**Deliberative Process / Ex. 5**

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** Neugeboren, Steven  
**Sent:** Tuesday, April 25, 2017 4:09 PM  
**Cc:** Goodin, John <Goodin.John@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>  
**Subject:** RE: WOTUS preamble edits from SG and JS

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
Environmental Protection Agency  
202-564-5488

---

**From:** Schwab, Justin  
**Sent:** Tuesday, April 25, 2017 1:49 PM  
**To:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
**Cc:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>  
**Subject:** Re: WOTUS preamble edits from SG and JS

**Deliberative Process / attorney client Ex. 5**

**Deliberative Process / attorney client Ex. 5**

Sent from my iPhone  
On Apr 25, 2017, at 1:46 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Greenwalt, Sarah has shared a OneDrive for Business file with you. To view it, click the link below.

<image00001.png> WOTUS step 1 preamble draft 4-25 (SG and JS edits).docx

Steve - Attached is a redline of the preamble. A few other thoughts:

1.

**Deliberative Process / attorney client Ex. 5**

2.

3.

## Deliberative Process / attorney client Ex. 5

4.

Let me know if you have any other questions for me.

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722 | Cell: **Personal Phone / Ex. 6**

[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

**To:** Steven Neugeboren[Neugeboren.Steven@epa.gov]; Carrie Wehling[Wehling.Carrie@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]  
**Sent:** Tue 4/25/2017 2:14:06 PM  
**Subject:** FW: My comments on WOTUS  
[image2017-04-25-084243.pdf](#)  
[ATT00001.htm](#)

FYI - **Deliberative Process / Ex. 5**

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** Minoli, Kevin  
**Sent:** Tuesday, April 25, 2017 10:04 AM  
**To:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Cc:** Schwab, Justin <schwab.justin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>  
**Subject:** My comments on WOTUS

Here they are. Let me know if you can't read them or have questions. Thanks!

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040  
Begin forwarded message:

**From:** "Veney, Carla" <Veney.Carla@epa.gov>  
**To:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>  
**Subject:** pdf

**From:** **Nonresponsive Internal URL/ Ex. 6**  
**Sent:** Tuesday, April 25, 2017 8:43 AM  
**To:** Veney, Carla <Veney.Carla@epa.gov>  
**Subject:**

**To:** Christensen, Damaris[Christensen.Damaris@epa.gov]  
**Cc:** Doley, Todd[Doley.Todd@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]; Massey, Matt[Massey.Matt@epa.gov]; Guignet, Dennis[Guignet.Dennis@epa.gov]; Scodari, Paul F CIV USARMY CEIWR (US)[Paul.F.Scodari@usace.army.mil]; Thomas Hughes[thomas.e.hughes1.civ@mail.mil]; Kwok, Rose[Kwok.Rose@epa.gov]; Jensen, Stacey M CIV USARMY HQDA (US)[Stacey.M.Jensen@usace.army.mil]; Robert.W.Brumbaugh@usace.army.mil[Robert.W.Brumbaugh@usace.army.mil]; Keating, Jim[Keating.Jim@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Ludwig-Monty, Sarah[ludwig-monty.sarah@epa.gov]; Swackhammer, J-Troy[Swackhammer.J-Troy@epa.gov]; Schlieger, Brian[schlieger.brian@epa.gov]  
**From:** Hewitt, Julie  
**Sent:** Thur 4/13/2017 10:01:12 PM  
**Subject:** RE: Incorporating econ questions in the Federalism materials

Damaris, here is our group-edited set of edits to the Federalism econ questions, based on our conversation earlier today and the cc group's quick review (thanks for quick review!):

# Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

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**From:** Hewitt, Julie  
**Sent:** Thursday, April 13, 2017 4:01 PM  
**To:** Doley, Todd <doley.todd@epa.gov>; Al McGartland <McGartland.Al@epa.gov>; Massey, Matt (Massey.Matt@epa.gov) <Massey.Matt@epa.gov>; Guignet, Dennis <Guignet.Dennis@epa.gov>; Scodari, Paul F CIV USARMY CEIWR (US) <Paul.F.Scodari@usace.army.mil>; Hughes, Thomas E <thomas.e.hughes1.civ@mail.mil>; Kwok, Rose <Kwok.Rose@epa.gov>; 'Jensen, Stacey M CIV USARMY HQDA (US)' <Stacey.M.Jensen@usace.army.mil>; 'Robert.W.Brumbaugh@usace.army.mil' <Robert.W.Brumbaugh@usace.army.mil>  
**Cc:** Jim Keating <Keating.Jim@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Schlieger, Brian <schlieger.brian@epa.gov>  
**Subject:** Incorporating econ questions in the Federalism materials

Based on our discussion earlier today, and the materials Damaris has already drafted for the Federalism meeting on the 19<sup>th</sup> (this is the correct date), I propose the following changes to the Federalism briefing - and am **soliciting feedback before COB today**:

# Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

I did not copy Damaris - wanted you all to have a chance to comment on this before sending to her. **Deliberative Process / Ex. 5**

## Deliberative Process / Ex. 5

-----Original Appointment-----

**From:** Hewitt, Julie

**Sent:** Thursday, March 30, 2017 5:36 PM

**To:** Hewitt, Julie; Doley, Todd; Al McGartland; Massey, Matt ([Massey.Matt@epa.gov](mailto:Massey.Matt@epa.gov)); Guignet, Dennis; Scodari, Paul F CIV USARMY CEIWR (US); Hughes, Thomas E; Kwok, Rose; Jensen, Stacey M CIV USARMY HQDA (US); [Robert.W.Brumbaugh@usace.army.mil](mailto:Robert.W.Brumbaugh@usace.army.mil)

**Cc:** Jim Keating; Kupchan, Simma; Downing, Donna; Nickerson, William; Ludwig-Monty, Sarah; Swackhammer, J-Troy; Schlieger, Brian

**Subject:** Weekly WOTUS Econ

**When:** Thursday, April 13, 2017 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** DCRoomWest7301/DC-CCW-OWOW and: **Nonresponsive Conference Code/ Ex. 6**

I propose the following for today's agenda:

- **Deliberative Process / Ex. 5**
- Other?

I will try to add an Adobe Connect link in case Troy or Sarah want to walk us through their documents.

**Nonresponsive Internal URL/ Ex. 6**

<< File: Fact sheet -- State no more stringent than provisions.docx >>

**To:** Hewitt, Julie[Hewitt.Julie@epa.gov]  
**Sent:** Thur 4/13/2017 8:34:50 PM  
**Subject:** RE: Incorporating econ questions in the Federalism materials

I'm sorry - just to be clear

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** Hewitt, Julie  
**Sent:** Thursday, April 13, 2017 4:23 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Subject:** RE: Incorporating econ questions in the Federalism materials

Actually, it's in the Outreach | Federalism folder. But I did mean to include a link, and just forgot to append it before sending my email. Thanks for the reminder!

---

**From:** Kupchan, Simma  
**Sent:** Thursday, April 13, 2017 4:15 PM  
**To:** Hewitt, Julie <Hewitt.Julie@epa.gov>  
**Subject:** RE: Incorporating econ questions in the Federalism materials

I assume this is in the Economics folder on the sharepoint site? I don't see a document there edited today, though.

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** Hewitt, Julie  
**Sent:** Thursday, April 13, 2017 4:01 PM  
**To:** Doley, Todd <Doley.Todd@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Guignet, Dennis <Guignet.Dennis@epa.gov>; Scodari, Paul F CIV USARMY CEIWR (US) <Paul.F.Scodari@usace.army.mil>; Thomas Hughes <thomas.e.hughes1.civ@mail.mil>; Kwok, Rose <Kwok.Rose@epa.gov>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Robert.W.Brumbaugh@usace.army.mil  
**Cc:** Keating, Jim <Keating.Jim@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Schlieger, Brian <schlieger.brian@epa.gov>  
**Subject:** Incorporating econ questions in the Federalism materials

Based on our discussion earlier today, and the materials Damaris has already drafted for the Federalism meeting on the 19<sup>th</sup> (this is the correct date), I propose the following changes to the Federalism briefing - and am **soliciting feedback before COB today**:

## Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

I did not copy Damaris - wanted you all to have a chance to comment on this before sending to her. Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

-----Original Appointment-----

**From:** Hewitt, Julie

**Sent:** Thursday, March 30, 2017 5:36 PM

**To:** Hewitt, Julie; Doley, Todd; Al McGartland; Massey, Matt ([Massey.Matt@epa.gov](mailto:Massey.Matt@epa.gov)); Guignet, Dennis; Scodari, Paul F CIV USARMY CEIWR (US); Hughes, Thomas E; Kwok, Rose; Jensen, Stacey M CIV USARMY HQDA (US); [Robert.W.Brumbaugh@usace.army.mil](mailto:Robert.W.Brumbaugh@usace.army.mil)

**Cc:** Jim Keating; Kupchan, Simma; Downing, Donna; Nickerson, William; Ludwig-Monty, Sarah; Swackhammer, J-Troy; Schlieger, Brian

**Subject:** Weekly WOTUS Econ

**When:** Thursday, April 13, 2017 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** DCRoomWest7301/DC-CCW-OWOW and Nonresponsive Conference Code/ Ex. 6

I propose the following for today's agenda:

- 
- ## Deliberative Process / Ex. 5
- 
- Other?

I will try to add an Adobe Connect link in case Troy or Sarah want to walk us through their documents.

Nonresponsive Internal URL/ Ex. 6

<< File: Fact sheet -- State no more stringent than provisions.docx >>

**To:** Inkelas, Daniel HQ02[Daniel.Inkelas@usace.army.mil]; David.R.Cooper@usace.army.mil[David.R.Cooper@usace.army.mil]; Bregman, Lauren R CIV USARMY HQDA OGC (US)[lauren.r.bregman.civ@mail.mil]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Neumann, Jennifer Scheller (ENRD)[Jennifer.Neumann@usdoj.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; 'Timbrook, Shihara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)'[shihara.t.timbrook.mil@mail.mil]; Catherine.b.roy.mil@mail.mil[Catherine.b.roy.mil@mail.mil]; Craig.r.schmauder.civ@mail.mil[Craig.r.schmauder.civ@mail.mil]; McArdle, Kevin (ENRD)[Kevin.McArdle@usdoj.gov]; martha.mann@usdoj.gov[Martha.Mann@usdoj.gov]; O'Donnell, Jessica (ENRD)[Jessica.O'Donnell@usdoj.gov]; Dona, Amy (ENRD)[Amy.Dona@usdoj.gov]; Lipshultz, Jon (ENRD)[Jon.Lipshultz@usdoj.gov]; Dertke, Daniel (ENRD)[Daniel.Dertke@usdoj.gov]; Gunter, David (ENRD)[David.Gunter2@usdoj.gov]  
**From:** Doyle, Andrew (ENRD)  
**Sent:** Thur 4/27/2017 5:37:24 PM  
**Subject:** FW: 16-299bs  
[16-299bs.pdf](#)  
[No. 16-299 Hunton Williams Signed Filing Docs.pdf](#)

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**From:** Lundman, Robert (ENRD)  
**Sent:** Thursday, April 27, 2017 1:23 PM  
**To:** Doyle, Andrew (ENRD) <ADoyle@ENRD.USDOJ.GOV>  
**Subject:** FW: 16-299bs

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The attached Brief Of Respondent No. 16-299 has been HAND FILED today at the Supreme Court on April 26, 2017. Service parties will receive hard copy service per rule 29.5.

No. 16-299

IN THE

**Supreme Court of the United States**

NATIONAL ASSOCIATION OF MANUFACTURERS,  
*Petitioner,*

v.

U.S. DEPARTMENT OF DEFENSE, ET AL.,  
*Respondents.*

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[danielleg@fb.org](mailto:danielleg@fb.org)

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[kmcgrath@hunton.com](mailto:kmcgrath@hunton.com)

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[Lowell.rothschild@bracewelllaw.com](mailto:Lowell.rothschild@bracewelllaw.com)

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**ExchangeDefender** Message Security: [Check Authenticity](#)

**To:** Inkelas, Daniel HQ02[Daniel.Inkelas@usace.army.mil]; David.R.Cooper@usace.army.mil[David.R.Cooper@usace.army.mil]; Bregman, Lauren R CIV USARMY HQDA OGC (US)[lauren.r.bregman.civ@mail.mil]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Neumann, Jennifer Scheller (ENRD)[Jennifer.Neumann@usdoj.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)'[shahara.t.timbrook.mil@mail.mil]; Catherine.b.roy.mil@mail.mil[Catherine.b.roy.mil@mail.mil]; Craig.r.schmauder.civ@mail.mil[Craig.r.schmauder.civ@mail.mil]; McArdle, Kevin (ENRD)[Kevin.McArdle@usdoj.gov]; martha.mann@usdoj.gov[Martha.Mann@usdoj.gov]; O'Donnell, Jessica (ENRD)[Jessica.O'Donnell@usdoj.gov]; Dona, Amy (ENRD)[Amy.Dona@usdoj.gov]; Lipshultz, Jon (ENRD)[Jon.Lipshultz@usdoj.gov]; Dertke, Daniel (ENRD)[Daniel.Dertke@usdoj.gov]; Gunter, David (ENRD)[David.Gunter2@usdoj.gov]  
**From:** Doyle, Andrew (ENRD)  
**Sent:** Thur 4/27/2017 5:37:39 PM  
**Subject:** FW: 16-299 bs Ohio.pdf  
[16-299 bs Ohio et al supporting petitioner.pdf](#)  
[16-299 Certificates re Ohio s Merit Brief.pdf](#)

---

**From:** Lundman, Robert (ENRD)  
**Sent:** Thursday, April 27, 2017 1:23 PM  
**To:** Doyle, Andrew (ENRD) <ADoyle@ENRD.USDOJ.GOV>  
**Subject:** FW: 16-299 bs Ohio.pdf

---

**From:** SupremeCtBriefs (SMO)  
**Sent:** Thursday, April 27, 2017 1:22 PM  
**To:** Prelogar, Elizabeth (OSG) <eprelogar@jmd.usdoj.gov>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>  
**Subject:** FW: 16-299 bs Ohio.pdf

---

**From:** Eric Murphy [<mailto:Eric.Murphy@ohioattorneygeneral.gov>]  
**Sent:** Thursday, April 27, 2017 11:33 AM  
**To:** [meritsbriefs@supremecourt.gov](mailto:meritsbriefs@supremecourt.gov)  
**Cc:** [tbishop@mayerbrown.com](mailto:tbishop@mayerbrown.com); [ellens@fb.org](mailto:ellens@fb.org); [jsaul@lclark.edu](mailto:jsaul@lclark.edu); [Laura.Etlinger@ag.ny.gov](mailto:Laura.Etlinger@ag.ny.gov); [jsorenson@nrdc.org](mailto:jsorenson@nrdc.org); [jbursch@burschlaw.com](mailto:jbursch@burschlaw.com); [will@consovoymccarthy.com](mailto:will@consovoymccarthy.com); [jsimon@kmcllaw.com](mailto:jsimon@kmcllaw.com); [Joel.Gross@aporter.com](mailto:Joel.Gross@aporter.com); [lechner@mountainstateslegal.com](mailto:lechner@mountainstateslegal.com); 'SupremeCtBriefs@USDOJ.gov' <[SupremeCtBriefs@USDOJ.gov](mailto:SupremeCtBriefs@USDOJ.gov)>; [jchavez@earthjustice.org](mailto:jchavez@earthjustice.org); [cdescherer@selcsc.org](mailto:cdescherer@selcsc.org); [Brooks.Smith@troutmansanders.com](mailto:Brooks.Smith@troutmansanders.com); [khermann@southeasternlegal.org](mailto:khermann@southeasternlegal.org); [RHopper@pacificalegal.org](mailto:RHopper@pacificalegal.org); [Lowell.rothschild@bracewelllaw.com](mailto:Lowell.rothschild@bracewelllaw.com); [jmarwell@velaw.com](mailto:jmarwell@velaw.com); [dsivas@stanford.edu](mailto:dsivas@stanford.edu); Eric Citron <[ecitron@goldsteinrussell.com](mailto:ecitron@goldsteinrussell.com)>; [mrh@pacificalegal.org](mailto:mrh@pacificalegal.org); [Andrew.Bing@ag.ny.gov](mailto:Andrew.Bing@ag.ny.gov); [dbaron@earthjustice.org](mailto:dbaron@earthjustice.org); Kimberly, Michael B. <[MKimberly@mayerbrown.com](mailto:MKimberly@mayerbrown.com)>; [laplant@clark.edu](mailto:laplant@clark.edu); [kbulleit@hunton.com](mailto:kbulleit@hunton.com)  
**Subject:** 16-299 bs Ohio.pdf

Dear Sir or Madam,

Attached is the *Brief of State Respondents Ohio et al. in Support of Petitioner* for filing in Case No. 16-299, *National Assoc. of Manufacturers v. U.S. Dept of Defense, et al.* The original will be filed on April 27, 2017, via overnight UPS delivery to the Supreme Court. Counsel of record will receive hard copy service per rule 29.5. This email is also being served on counsel for parties listed below:

Timothy Bishop, Counsel for Petitioner at: [tbishop@mayerbrown.com](mailto:tbishop@mayerbrown.com)  
Jeffrey Wall, Counsel for Federal Respondents at: [supremectbriefs@usdoj.gov](mailto:supremectbriefs@usdoj.gov)  
Andrew Bing, Laura Etlinger, and Barbara Underwood, Counsel for New York at: [andrew.bing@ag.ny.gov](mailto:andrew.bing@ag.ny.gov); [laura.etlinger@ag.ny.gov](mailto:laura.etlinger@ag.ny.gov)  
Eric Citron, Counsel for Natural Resources Defense Council at:

[ecitron@goldsteinrussell.com](mailto:ecitron@goldsteinrussell.com)

Ellen Steen, Counsel for American Farm Bureau Federation at: [ellens@fb.org](mailto:ellens@fb.org)

Reed Hopper, Counsel for AgrowStar, et al. at: [mrh@pacificlegal.org](mailto:mrh@pacificlegal.org)

Allison LaPlante, Counsel for Waterkeeper Alliance, et al. at: [laplant@lclark.edu](mailto:laplant@lclark.edu)

David Baron, Counsel for Puget Soundkeeper Alliance and Sierra Club at:  
[dbaron@earthjustice.org](mailto:dbaron@earthjustice.org)

If you have any questions, or if there is a problem with this transmission, please feel free to contact us.

Thank you.

Eric E. Murphy  
State Solicitor – Appeals Section  
Office of Ohio Attorney General Mike DeWine  
Office number: 614-995-2273  
[Eric.Murphy@OhioAttorneyGeneral.gov](mailto:Eric.Murphy@OhioAttorneyGeneral.gov)

**To:** Inkelas, Daniel HQ02[Daniel.Inkelas@usace.army.mil]; David.R.Cooper@usace.army.mil[David.R.Cooper@usace.army.mil]; Bregman, Lauren R CIV USARMY HQDA OGC (US)[lauren.r.bregman.civ@mail.mil]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Neumann, Jennifer Scheller (ENRD)[Jennifer.Neumann@usdoj.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; 'Timbrook, Shaha T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)'[shahara.t.timbrook.mil@mail.mil]; Catherine.b.roy.mil@mail.mil[Catherine.b.roy.mil@mail.mil]; Craig.r.schmauder.civ@mail.mil[Craig.r.schmauder.civ@mail.mil]; McArdle, Kevin (ENRD)[Kevin.McArdle@usdoj.gov]; martha.mann@usdoj.gov[Martha.Mann@usdoj.gov]; O'Donnell, Jessica (ENRD)[Jessica.O'Donnell@usdoj.gov]; Dona, Amy (ENRD)[Amy.Dona@usdoj.gov]; Lipshultz, Jon (ENRD)[Jon.Lipshultz@usdoj.gov]; Dertke, Daniel (ENRD)[Daniel.Dertke@usdoj.gov]  
**From:** Doyle, Andrew (ENRD)  
**Sent:** Thur 4/27/2017 5:36:09 PM  
**Subject:** FW: National Association of Manufactures v. Department of Defense (16-299) - Respondents' Brief in Support of Petitioner  
[16-299 Respondents' Brief in Support of Petitioner.pdf](#)

---

**From:** Lundman, Robert (ENRD)  
**Sent:** Wednesday, April 26, 2017 12:16 PM  
**To:** Doyle, Andrew (ENRD) <ADoyle@ENRD.USDOJ.GOV>  
**Subject:** FW: National Association of Manufactures v. Department of Defense (16-299) - Respondents' Brief in Support of Petitioner

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**From:** SupremeCtBriefs (SMO)  
**Sent:** Wednesday, April 26, 2017 12:12 PM  
**To:** Prelogar, Elizabeth (OSG) <eprelogar@jmd.usdoj.gov>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>  
**Subject:** FW: National Association of Manufactures v. Department of Defense (16-299) - Respondents' Brief in Support of Petitioner

---

**From:** Owen Clark [mailto:coc@pacificlegal.org]  
**Sent:** Wednesday, April 26, 2017 12:07 PM  
**To:** [SupremeCtBriefs@usdoj.gov](mailto:SupremeCtBriefs@usdoj.gov); [eric.murphy@ohioattorneygeneral.gov](mailto:eric.murphy@ohioattorneygeneral.gov); [tbishop@mayerbrown.com](mailto:tbishop@mayerbrown.com); [ellen@fb.org](mailto:ellen@fb.org); [Andrew.Bing@ag.ny.gov](mailto:Andrew.Bing@ag.ny.gov); [ecitron@goldsteinrussell.com](mailto:ecitron@goldsteinrussell.com); [lechner@mountainstateslegal.com](mailto:lechner@mountainstateslegal.com); [RonaldI@atg.wa.gov](mailto:RonaldI@atg.wa.gov); [Scot.Kline@vermont.gov](mailto:Scot.Kline@vermont.gov); [loren.alikhan@dc.gov](mailto:loren.alikhan@dc.gov); [seth.schofield@state.ma.us](mailto:seth.schofield@state.ma.us); [Edward.G.Bohlen@hawaii.gov](mailto:Edward.G.Bohlen@hawaii.gov); [Kirsten.Rigney@ct.gov](mailto:Kirsten.Rigney@ct.gov); [philip.bein@ag.ny.gov](mailto:philip.bein@ag.ny.gov); [jchavez@earthjustice.org](mailto:jchavez@earthjustice.org); [lore.bensel@doj.state.or.us](mailto:lore.bensel@doj.state.or.us); [dsivas@stanford.edu](mailto:dsivas@stanford.edu); [jsaul@lclark.edu](mailto:jsaul@lclark.edu); [will@consovoymccarthy.com](mailto:will@consovoymccarthy.com); [jsorenson@nrdc.org](mailto:jsorenson@nrdc.org); [Brooks.Smith@troutmansanders.com](mailto:Brooks.Smith@troutmansanders.com); [kbulleit@hunton.com](mailto:kbulleit@hunton.com); [Eric.Murphy@ohioattorneygeneral.gov](mailto:Eric.Murphy@ohioattorneygeneral.gov); [jbursch@burschlaw.com](mailto:jbursch@burschlaw.com); [cdescherer@selcsc.org](mailto:cdescherer@selcsc.org); [mjazil@hgslaw.com](mailto:mjazil@hgslaw.com); [jmarwell@velaw.com](mailto:jmarwell@velaw.com); [Joel.Gross@aporter.com](mailto:Joel.Gross@aporter.com); [Matha.mann@usdoj.gov](mailto:Matha.mann@usdoj.gov); [horder@kmcllaw.com](mailto:horder@kmcllaw.com); [Lowell.rothschild@bracewelllaw.com](mailto:Lowell.rothschild@bracewelllaw.com); [khermann@southeasternlegal.org](mailto:khermann@southeasternlegal.org); [LisaMcCarter@ag.tn.gov](mailto:LisaMcCarter@ag.tn.gov); [John.Lopez@azag.gov](mailto:John.Lopez@azag.gov); [jamie.ewing@arkansasag.gov](mailto:jamie.ewing@arkansasag.gov); [maiolso@nd.gov](mailto:maiolso@nd.gov); [Douglas.Conde@deq.idaho.gov](mailto:Douglas.Conde@deq.idaho.gov); [Fred.Yarger@coag.gov](mailto:Fred.Yarger@coag.gov); [alanjoscelyn@mt.gov](mailto:alanjoscelyn@mt.gov); [Andy.Hirth@ago.mo.gov](mailto:Andy.Hirth@ago.mo.gov); [LVanDyke@ag.nv.gov](mailto:LVanDyke@ag.nv.gov); [charles.mcguigan@state.sd.us](mailto:charles.mcguigan@state.sd.us); [erik.petersen@wyo.gov](mailto:erik.petersen@wyo.gov); [Justin.Lavene@nebraska.gov](mailto:Justin.Lavene@nebraska.gov); [reg.ridgley@state.nm.us](mailto:reg.ridgley@state.nm.us); [Lara.Katz@state.nm.us](mailto:Lara.Katz@state.nm.us); [jonesst@ag.state.la.us](mailto:jonesst@ag.state.la.us); [jsimon@kmcllaw.com](mailto:jsimon@kmcllaw.com); [MWOOD@ago.state.ms.us](mailto:MWOOD@ago.state.ms.us); [ABrasher@ago.state.al.us](mailto:ABrasher@ago.state.al.us); [Scott.Keller@texasattorneygeneral.gov](mailto:Scott.Keller@texasattorneygeneral.gov); [bgrant@law.ga.gov](mailto:bgrant@law.ga.gov); [Elbert.Lin@wvago.gov](mailto:Elbert.Lin@wvago.gov); [sam.hayes@ncdenr.gov](mailto:sam.hayes@ncdenr.gov); [Jon.glogau@myfloridalegal.com](mailto:Jon.glogau@myfloridalegal.com); [pdouglas@utah.gov](mailto:pdouglas@utah.gov); [Jeff.Chanay@ag.ks.gov](mailto:Jeff.Chanay@ag.ks.gov); [tseytlinm@doj.state.wi.us](mailto:tseytlinm@doj.state.wi.us); [tom.fisher@atg.in.gov](mailto:tom.fisher@atg.in.gov); [ESmith@scag.gov](mailto:ESmith@scag.gov); [joe.newberg@ky.gov](mailto:joe.newberg@ky.gov); [BockD@michgian.gov](mailto:BockD@michgian.gov)  
**Cc:** Reed Hopper <RHopper@pacificlegal.org>  
**Subject:** National Association of Manufactures v. Department of Defense (16-299) - Respondents' Brief in Support of Petitioner

Counsel,

In the matter of National Association of Manufactures v. Department of Defense, et al. (U.S. Supreme Court Case No. 16-299), attached please find Respondents' Brief in Support of Petitioner.

Thank you,

**Owen Clark**  
Legal Secretary  
PACIFIC LEGAL FOUNDATION  
930 G Street  
Sacramento, CA 95814

(916) 419-7111  
(916) 419-7747 fax  
[coc@pacificlegal.org](mailto:coc@pacificlegal.org)  
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\*\*\*\*\*

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Message

---

**From:** Wendelowski, Karyn [wendelowski.karyn@epa.gov]  
**Sent:** 5/30/2017 6:54:34 PM  
**To:** Levine, MaryEllen [levine.maryellen@epa.gov]; Witt, Richard [Witt.Richard@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]  
**CC:** Wehling, Carrie [Wehling.Carrie@epa.gov]  
**Subject:** FW: Clean Water Rule (S. Ct.)  
**Attachments:** ENV\_DEFENSE-#808058-v1-CLEAN\_WATER\_RULE\_\_WOTUS\_\_redline\_circulated\_on\_May\_30\_\_2017.DOCX

# Deliberative Process / Ex. 5

Thanks,

Karyn

Karyn Wendelowski  
Attorney-Advisor  
Water Law Office  
Office of General Counsel  
(202)564-5493

---

**From:** Doyle, Andrew (ENRD) [mailto:Andrew.Doyle@usdoj.gov]  
**Sent:** Tuesday, May 30, 2017 12:17 PM  
**To:** Dona, Amy (ENRD) <Amy.Dona@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; martha.mann@usdoj.gov; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; McCune, Devon Lehman (ENRD) <Devon.McCune@usdoj.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; 'Boyd, Milt HQ02' <milt.boyd@usace.army.mil>; Vaden, Christopher (ENRD) <Christopher.Vaden@usdoj.gov>; 'Inkelas, Daniel HQ02' <Daniel.Inkelas@usace.army.mil>; 'David.R.Cooper@usace.army.mil' <David.R.Cooper@usace.army.mil>; 'Bregman, Lauren R CIV USARMY HQDA OGC (US)' <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; 'Catherine.b.roy.mil@mail.mil' <Catherine.b.roy.mil@mail.mil>; Gunter, David (ENRD) <David.Gunter2@usdoj.gov>; 'Craig.r.schmauder.civ@mail.mil' <Craig.r.schmauder.civ@mail.mil>; McArdle, Kevin (ENRD) <Kevin.McArdle@usdoj.gov>  
**Subject:** RE: Clean Water Rule (S. Ct.)

Thank you all for your comments. The attached redline shows the changes I made since the version circulated on May 22. If you have any additional comments, please send by noon this Thursday, June 1. Meanwhile, I am asking one of our paralegals to double-check citations.

---

**From:** Doyle, Andrew (ENRD)  
**Sent:** Monday, May 22, 2017 10:00 PM  
**To:** Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDERTKE@enrd.usdoj.gov>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <Jlipshultz@ENRD.USDOJ.GOV>; 'Boyd, Milt HQ02' <milt.boyd@usace.army.mil>; 'Inkelas, Daniel HQ02' <Daniel.Inkelas@usace.army.mil>; 'David.R.Cooper@usace.army.mil' <David.R.Cooper@usace.army.mil>; 'Bregman, Lauren R CIV USARMY HQDA OGC

(US)' <lauren.r.bregman.civ@mail.mil>; 'Neugeboren, Steven' <Neugeboren.Steven@epa.gov>; 'Wendelowski, Karyn' <wendelowski.karyn@epa.gov>; 'Wehling, Carrie' <Wehling.Carrie@epa.gov>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLUNDMAN@enrd.usdoj.gov>; 'Kupchan, Simma' <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; 'Catherine.b.roy.mil@mail.mil' <Catherine.b.roy.mil@mail.mil>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; 'Craig.r.schmauder.civ@mail.mil' <Craig.r.schmauder.civ@mail.mil>; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>

**Subject:** RE: Clean Water Rule (S. Ct.)

**Importance:** High

attorney-client privilege; attorney work product; do not disclose

Thank you all for your patience – a draft S. Ct. brief is attached.

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Comments, please, by COB this Thursday, May 25 (or, if you need the morning of Friday, May 26, that is okay too). I will then circulate a revised draft on or about the Tuesday after Memorial Day weekend.

---

**From:** Doyle, Andrew (ENRD)

**Sent:** Wednesday, May 17, 2017 11:46 PM

**To:** Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDERTKE@enrd.usdoj.gov>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; 'Boyd, Milt HQ02' <milt.boyd@usace.army.mil>; 'Inkelas, Daniel HQ02' <Daniel.Inkelas@usace.army.mil>; 'David.R.Cooper@usace.army.mil' <David.R.Cooper@usace.army.mil>; 'Bregman, Lauren R CIV USARMY HQDA OGC (US)' <lauren.r.bregman.civ@mail.mil>; 'Neugeboren, Steven' <Neugeboren.Steven@epa.gov>; 'Wendelowski, Karyn' <wendelowski.karyn@epa.gov>; 'Wehling, Carrie' <Wehling.Carrie@epa.gov>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLUNDMAN@enrd.usdoj.gov>; 'Kupchan, Simma' <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; 'Catherine.b.roy.mil@mail.mil' <Catherine.b.roy.mil@mail.mil>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; 'Craig.r.schmauder.civ@mail.mil' <Craig.r.schmauder.civ@mail.mil>; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>

**Subject:** RE: Clean Water Rule (S. Ct.)

Update: I am a bit behind and now expect to circulate a draft by 5/22 with comments due by 5/26. The Court granted us an extension thru 7/28.

---

**From:** Doyle, Andrew (ENRD)

**Sent:** Monday, May 08, 2017 1:01 PM

**To:** Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDERTKE@enrd.usdoj.gov>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; 'Boyd, Milt HQ02' <milt.boyd@usace.army.mil>; 'Inkelas, Daniel HQ02' <Daniel.Inkelas@usace.army.mil>; 'David.R.Cooper@usace.army.mil' <David.R.Cooper@usace.army.mil>; 'Bregman, Lauren R CIV USARMY HQDA OGC (US)' <lauren.r.bregman.civ@mail.mil>; 'Neugeboren, Steven' <Neugeboren.Steven@epa.gov>; 'Wendelowski, Karyn' <wendelowski.karyn@epa.gov>; 'Wehling, Carrie' <Wehling.Carrie@epa.gov>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; 'Kupchan, Simma' <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; 'Catherine.b.roy.mil@mail.mil' <Catherine.b.roy.mil@mail.mil>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; 'Craig.r.schmauder.civ@mail.mil' <Craig.r.schmauder.civ@mail.mil>; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>

**Subject:** RE: Clean Water Rule (S. Ct.)

Hello,

Since I sent you five opening briefs seeking reversal, an amicus brief supporting petitioners was filed (attached).

Right now, we are hoping to send you a draft for review the morning of 5/18 with comments due by cob on 5/22.

Deliberative Process / Ex. 5

**Deliberative Process / Ex. 5**

Thanks!

-Andy Doyle

(202) 514-4427

[andrew.doyle@usdoj.gov](mailto:andrew.doyle@usdoj.gov)

Message

**From:** Doyle, Andrew (ENRD) [Andrew.Doyle@usdoj.gov]  
**Sent:** 5/30/2017 4:17:11 PM  
**To:** Dona, Amy (ENRD) [Amy.Dona@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; martha.mann@usdoj.gov [Martha.Mann@usdoj.gov]; Dertke, Daniel (ENRD) [Daniel.Dertke@usdoj.gov]; McCune, Devon Lehman (ENRD) [Devon.McCune@usdoj.gov]; Lipshultz, Jon (ENRD) [Jon.Lipshultz@usdoj.gov]; 'Boyd, Milt HQ02' [milt.boyd@usace.army.mil]; Vaden, Christopher (ENRD) [Christopher.Vaden@usdoj.gov]; 'Inkelas, Daniel HQ02' [Daniel.Inkelas@usace.army.mil]; 'David.R.Cooper@usace.army.mil' [David.R.Cooper@usace.army.mil]; 'Bregman, Lauren R CIV USARMY HQDA OGC (US)' [lauren.r.bregman.civ@mail.mil]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wendelowski, Karyn [wendelowski.karyn@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Neumann, Jennifer Scheller (ENRD) [Jennifer.Neumann@usdoj.gov]; Lundman, Robert (ENRD) [Robert.Lundman@usdoj.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' [shahara.t.timbrook.mil@mail.mil]; 'Catherine.b.roy.mil@mail.mil' [Catherine.b.roy.mil@mail.mil]; Gunter, David (ENRD) [David.Gunter2@usdoj.gov]; 'Craig.r.schmauder.civ@mail.mil' [Craig.r.schmauder.civ@mail.mil]; McArdle, Kevin (ENRD) [Kevin.McArdle@usdoj.gov]  
**Subject:** RE: Clean Water Rule (S. Ct.)  
**Attachments:** ENV\_DEFENSE-#808058-v1-CLEAN\_WATER\_RULE\_\_\_WOTUS\_\_\_redline\_circulated\_on\_May\_30\_\_\_2017.DOCX

Thank you all for your comments. The attached redline shows the changes I made since the version circulated on May 22. If you have any additional comments, please send by noon this Thursday, June 1. Meanwhile, I am asking one of our paralegals to double-check citations.

---

**From:** Doyle, Andrew (ENRD)  
**Sent:** Monday, May 22, 2017 10:00 PM  
**To:** Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDERTKE@enrd.usdoj.gov>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; 'Boyd, Milt HQ02' <milt.boyd@usace.army.mil>; 'Inkelas, Daniel HQ02' <Daniel.Inkelas@usace.army.mil>; 'David.R.Cooper@usace.army.mil' <David.R.Cooper@usace.army.mil>; 'Bregman, Lauren R CIV USARMY HQDA OGC (US)' <lauren.r.bregman.civ@mail.mil>; 'Neugeboren, Steven' <Neugeboren.Steven@epa.gov>; 'Wendelowski, Karyn' <wendelowski.karyn@epa.gov>; 'Wehling, Carrie' <Wehling.Carrie@epa.gov>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLUNDMAN@enrd.usdoj.gov>; 'Kupchan, Simma' <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; 'Catherine.b.roy.mil@mail.mil' <Catherine.b.roy.mil@mail.mil>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; 'Craig.r.schmauder.civ@mail.mil' <Craig.r.schmauder.civ@mail.mil>; McArdle, Kevin (ENRD) <KMcaArdle@ENRD.USDOJ.GOV>  
**Subject:** RE: Clean Water Rule (S. Ct.)  
**Importance:** High

attorney-client privilege; attorney work product; do not disclose

Thank you all for your patience – a draft S. Ct. brief is attached.

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Comments, please, by COB this Thursday, May 25 (or, if you need the morning of Friday, May 26, that is okay too). I will then circulate a revised draft on or about the Tuesday after Memorial Day weekend.

---

**From:** Doyle, Andrew (ENRD)  
**Sent:** Wednesday, May 17, 2017 11:46 PM  
**To:** Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>;

Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDERTKE@enrd.usdoj.gov>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; 'Boyd, Milt HQ02' <milt.boyd@usace.army.mil>; 'Inkelas, Daniel HQ02' <Daniel.Inkelas@usace.army.mil>; 'David.R.Cooper@usace.army.mil' <David.R.Cooper@usace.army.mil>; 'Bregman, Lauren R CIV USARMY HQDA OGC (US)' <lauren.r.bregman.civ@mail.mil>; 'Neugeboren, Steven' <Neugeboren.Steven@epa.gov>; 'Wendelowski, Karyn' <wendelowski.karyn@epa.gov>; 'Wehling, Carrie' <Wehling.Carrie@epa.gov>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLUNDMAN@enrd.usdoj.gov>; 'Kupchan, Simma' <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; 'Catherine.b.roy.mil@mail.mil' <Catherine.b.roy.mil@mail.mil>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; 'Craig.r.schmauder.civ@mail.mil' <Craig.r.schmauder.civ@mail.mil>; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>

**Subject:** RE: Clean Water Rule (S. Ct.)

Update: I am a bit behind and now expect to circulate a draft by 5/22 with comments due by 5/26. The Court granted us an extension thru 7/28.

---

**From:** Doyle, Andrew (ENRD)

**Sent:** Monday, May 08, 2017 1:01 PM

**To:** Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDERTKE@enrd.usdoj.gov>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; 'Boyd, Milt HQ02' <milt.boyd@usace.army.mil>; 'Inkelas, Daniel HQ02' <Daniel.Inkelas@usace.army.mil>; 'David.R.Cooper@usace.army.mil' <David.R.Cooper@usace.army.mil>; 'Bregman, Lauren R CIV USARMY HQDA OGC (US)' <lauren.r.bregman.civ@mail.mil>; 'Neugeboren, Steven' <Neugeboren.Steven@epa.gov>; 'Wendelowski, Karyn' <wendelowski.karyn@epa.gov>; 'Wehling, Carrie' <Wehling.Carrie@epa.gov>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; 'Kupchan, Simma' <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; 'Catherine.b.roy.mil@mail.mil' <Catherine.b.roy.mil@mail.mil>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; 'Craig.r.schmauder.civ@mail.mil' <Craig.r.schmauder.civ@mail.mil>; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>

**Subject:** RE: Clean Water Rule (S. Ct.)

Hello,

Since I sent you five opening briefs seeking reversal, an amicus brief supporting petitioners was filed (attached).

Right now, we are hoping to send you a draft for review the morning of 5/18 with comments due by cob on 5/22.

**Deliberative Process / Ex. 5**

Thanks!

-Andy Doyle

(202) 514-4427

[andrew.doyle@usdoj.gov](mailto:andrew.doyle@usdoj.gov)

Message

**From:** Wendelowski, Karyn [wendelowski.karyn@epa.gov]  
**Sent:** 5/23/2017 12:28:22 PM  
**To:** Levine, MaryEllen [levine.maryellen@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]  
**CC:** Wehling, Carrie [Wehling.Carrie@epa.gov]  
**Subject:** Fwd: Clean Water Rule (S. Ct.)  
**Attachments:** ENV\_DEFENSE-#806778-v1-CLEAN\_WATER\_RULE\_\_\_\_(proof\_format)\_ENRD\_draft\_Brief\_for\_Respondent\_(re-started\_late\_May\_15).DOCM; ATT00001.htm

**Flag:** Follow up

Hi MEL and Simma - Please send me any comments by Thursday night and I'll consolidate EPA comments Friday.

Thanks,

Karyn

Karyn Wendelowski  
Attorney Advisor  
Office of General Counsel  
(202) 564-5493

Begin forwarded message:

**From:** "Doyle, Andrew (ENRD)" <Andrew.Doyle@usdoj.gov>  
**Date:** May 22, 2017 at 9:59:31 PM EDT  
**To:** "Dona, Amy (ENRD)" <Amy.Dona@usdoj.gov>, "O'Donnell, Jessica (ENRD)" <Jessica.O'Donnell@usdoj.gov>, "Mann, Martha (ENRD)" <Martha.Mann@usdoj.gov>, "Dertke, Daniel (ENRD)" <Daniel.Dertke@usdoj.gov>, "McCune, Devon Lehman (ENRD)" <Devon.McCune@usdoj.gov>, "Lipshultz, Jon (ENRD)" <Jon.Lipshultz@usdoj.gov>, "Boyd, Milt HQ02" <milt.boyd@usace.army.mil>, "Inkelas, Daniel HQ02" <Daniel.Inkelas@usace.army.mil>, "David.R.Cooper@usace.army.mil" <David.R.Cooper@usace.army.mil>, "Bregman, Lauren R CIV USARMY HQDA OGC (US)" <lauren.r.bregman.civ@mail.mil>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Wendelowski, Karyn" <wendelowski.karyn@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, "Neumann, Jennifer Scheller (ENRD)" <Jennifer.Neumann@usdoj.gov>, "Lundman, Robert (ENRD)" <Robert.Lundman@usdoj.gov>, "Kupchan, Simma" <Kupchan.Simma@epa.gov>, "Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)" <shahara.t.timbrook.mil@mail.mil>, "Catherine.b.roy.mil@mail.mil" <Catherine.b.roy.mil@mail.mil>, "Gunter, David (ENRD)" <David.Gunter2@usdoj.gov>, "Craig.r.schmauder.civ@mail.mil" <Craig.r.schmauder.civ@mail.mil>, "McArdle, Kevin (ENRD)" <Kevin.McArdle@usdoj.gov>  
**Subject:** RE: Clean Water Rule (S. Ct.)

attorney-client privilege; attorney work product; do not disclose

Thank you all for your patience – a draft S. Ct. brief is attached.

**Deliberative Process / Ex. 5**

## **Deliberative Process / Ex. 5**

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**Sent:** Wednesday, May 17, 2017 11:46 PM  
**To:** Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDERTKE@enrd.usdoj.gov>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; 'Boyd, Milt HQ02' <milt.boyd@usace.army.mil>; 'Inkelas, Daniel HQ02' <Daniel.Inkelas@usace.army.mil>; 'David.R.Cooper@usace.army.mil' <David.R.Cooper@usace.army.mil>; 'Bregman, Lauren R CIV USARMY HQDA OGC (US)' <lauren.r.bregman.civ@mail.mil>; 'Neugeboren, Steven' <Neugeboren.Steven@epa.gov>; 'Wendelowski, Karyn' <wendelowski.karyn@epa.gov>; 'Wehling, Carrie' <Wehling.Carrie@epa.gov>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLUNDMAN@enrd.usdoj.gov>; 'Kupchan, Simma' <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; 'Catherine.b.roy.mil@mail.mil' <Catherine.b.roy.mil@mail.mil>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; 'Craig.r.schmauder.civ@mail.mil' <Craig.r.schmauder.civ@mail.mil>; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>  
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**To:** Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDERTKE@enrd.usdoj.gov>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; 'Boyd, Milt HQ02' <milt.boyd@usace.army.mil>; 'Inkelas, Daniel HQ02' <Daniel.Inkelas@usace.army.mil>; 'David.R.Cooper@usace.army.mil' <David.R.Cooper@usace.army.mil>; 'Bregman, Lauren R CIV USARMY HQDA OGC (US)' <lauren.r.bregman.civ@mail.mil>; 'Neugeboren, Steven' <Neugeboren.Steven@epa.gov>; 'Wendelowski, Karyn' <wendelowski.karyn@epa.gov>; 'Wehling, Carrie' <Wehling.Carrie@epa.gov>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; 'Kupchan, Simma' <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; 'Catherine.b.roy.mil@mail.mil' <Catherine.b.roy.mil@mail.mil>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; 'Craig.r.schmauder.civ@mail.mil' <Craig.r.schmauder.civ@mail.mil>; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>  
**Subject:** RE: Clean Water Rule (S. Ct.)

Hello,

Since I sent you five opening briefs seeking reversal, an amicus brief supporting petitioners was filed (attached).

Right now, we are hoping to send you a draft for review the morning of 5/18 with comments due by cob on 5/22.

**Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Thanks!  
-Andy Doyle  
(202) 514-4427  
andrew.doyle@usdoj.gov

**To:** Kupchan, Simma[Kupchan.Simma@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]  
**Cc:** Sweeney, Stephen[Sweeney.Stephen@epa.gov]  
**From:** Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]  
**Sent:** Mon 5/22/2017 1:52:51 PM (UTC)  
**Subject:** Clay's in-depth assignment - feedback requested  
WLO Law Clerk Assignment - Attorney Client / Deliberative Process / Ex. 5

**Simma** - Attorney Client / Deliberative Process / Ex. 5

# Attorney Client / Deliberative Process / Ex. 5

**From:** Marks, Matthew  
**Sent:** Friday, May 19, 2017 8:49 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>  
**Cc:** Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Subject:** RE: WLO long law clerk memo

# Attorney Client / Deliberative Process / Ex. 5

**From:** Kupchan, Simma  
**Sent:** Thursday, May 18, 2017 5:51 PM  
**To:** Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>  
**Cc:** Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Subject:** WLO long law clerk memo

## Deliberative Process / Ex. 5

Please let me know if you have questions or would like to discuss. Thank you!



**To:** Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]

**From:** Wendelowski, Karyn[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1D913E7D7397466A803149761A0BDF18-KWENDELO]

**Sent:** Thur 5/18/2017 1:28:49 PM (UTC)

**Subject:** Attorney Client / Deliberative Process / Ex. 5

**Attorney Client / Deliberative Process / Ex. 5**

**Attorney Client / Deliberative Process / Ex. 5**

Message

**From:** Wehling, Carrie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]  
**Sent:** 5/16/2017 2:36:41 AM  
**To:** Kwok, Rose [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3d2987ba8f246a5a9e37773201fd180-Kwok, Rose]  
**CC:** Livingston, Peggy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3400499519284088ab18df0935e6665c-Livingston, Peggy]; Christensen, Damaris [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e04107c23c1043d6967754064c477a29-Christensen, Damaris]; Downing, Donna [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d853e50d3a2b489daf2cc498c052e3d6-DDowning]; Kupchan, Simma [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=784e0aea94a7485fa0435cc0cf5a62a5-SASHER]  
**Subject:** Re: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

**Deliberative Process / Ex. 5**

Sent from my iPhone

On May 15, 2017, at 7:55 PM, Kwok, Rose <Kwok.Rose@epa.gov> wrote:

**Deliberative Process / Ex. 5**

**From:** Livingston, Peggy  
**Sent:** Monday, May 15, 2017 5:17 PM  
**To:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Hi. I gather that it's OK for Region 8 to provide copies of the letter, the press release, and the federalism powerpoint to state environmental directors and state agriculture directors. However, if it's not, would you please let me know by, say, mid-week? I've been getting calls from our RA's office. Thank you.

Peggy Livingston  
Senior Enforcement Attorney  
Legal Enforcement Program  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
(303) 312-6858 (phone)  
(303) 312-7202 (fax)

**From:** Livingston, Peggy  
**Sent:** Friday, May 12, 2017 1:13 PM  
**To:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wendelowski, Karyn

<wendelowski.karyn@epa.gov>

**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Thank you. I just wanted to confirm that it is public. It looks public to me, but I wanted to be sure that was the case.

Peggy Livingston  
Senior Enforcement Attorney  
Legal Enforcement Program  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
(303) 312-6858 (phone)  
(303) 312-7202 (fax)

---

**From:** Wehling, Carrie

**Sent:** Friday, May 12, 2017 12:12 PM

**To:** Christensen, Damaris <Christensen.Damaris@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>;  
Livingston, Peggy <Livingston.Peggy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>;  
Wendelowski, Karyn <wendelowski.karyn@epa.gov>

**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

**Deliberative Process / Ex. 5**

Carrie

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
[wehling.carrie@epa.gov](mailto:wehling.carrie@epa.gov)

---

**From:** Christensen, Damaris

**Sent:** Friday, May 12, 2017 1:37 PM

**To:** Kwok, Rose <Kwok.Rose@epa.gov>; Livingston, Peggy <Livingston.Peggy@epa.gov>; Downing,  
Donna <Downing.Donna@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Wehling,  
Carrie <Wehling.Carrie@epa.gov>

**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

**Deliberative Process / Ex. 5**

Damaris

---

**From:** Kwok, Rose

**Sent:** Friday, May 12, 2017 1:19 PM

**To:** Livingston, Peggy <Livingston.Peggy@epa.gov>; Christensen, Damaris

<Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>

**Subject:** Re: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Hi Peggy,

For 1

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

2

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Rose Kwok  
U.S. Environmental Protection Agency  
Wetlands Division  
[kwok.rose@epa.gov](mailto:kwok.rose@epa.gov)  
202-566-0657, 202-566-1375 (fax)

---

**From:** Livingston, Peggy

**Sent:** Friday, May 12, 2017 1:10:02 PM

**To:** Kwok, Rose; Christensen, Damaris; Downing, Donna; Wendelowski, Karyn; Wehling, Carrie

**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Hi. Thank you for sending this information. Someone in Region 8 called me with the following questions, because she's been getting questions from at least one of our states.

**Deliberative Process / Ex. 5**

Thank you very much.

Peggy Livingston  
Senior Enforcement Attorney  
Legal Enforcement Program

U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
(303) 312-6858 (phone)  
(303) 312-7202 (fax)

---

**From:** Kwok, Rose

**Sent:** Tuesday, May 09, 2017 3:40 PM

**To:** OW-OWOW-WD <OWOWOWWD@epa.gov>; EPA Wetlands Managers <EPA\_Wetlands\_Managers@epa.gov>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Sachs, Erica <Sachs.Erica@epa.gov>; Williams, Ann <Williams.Ann@epa.gov>; Montella, Daniel <Montella.Daniel@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>; Shamet, Stefania <Shamet.Stefania@epa.gov>; Somerville, Eric <Somerville.Eric@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Melgin, Wendy <melgin.wendy@epa.gov>; Schaller, Andrea <schaller.andrea@epa.gov>; Fontenot, Alison <Fontenot.Alison@epa.gov>; Schafer, Jeannette <schafer.jeannette@epa.gov>; McCarthy, Julia <McCarthy.Julia@epa.gov>; Livingston, Peggy <Livingston.Peggy@epa.gov>; Leidy, Robert <Leidy.Robert@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Stokely, Peter <Stokely.Peter@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Flannery-Keith, Erin <Flannery-Keith.Erin@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Auerbach, Daniel <Auerbach.Daniel@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Balasa, Kate <balasa.kate@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Cantilli, Robert <Cantilli.Robert@epa.gov>; Martinez, Maria <Martinez.Maria@epa.gov>; Cindy Barger <cindy.s.barger.civ@mail.mil>; Morgan, James <Morgan.James@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Alexander, Laurie <Alexander.Laurie@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>

**Cc:** Peterson, Carol <Peterson.Carol@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Horchem, Brad <horchem.brad@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Kovac, Steve <Kovac.Steve@epa.gov>

**Subject:** FW: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Hi Folks,

FYI, letters signed by the Administrator and Mr. Douglas Lamont (Senior Official Performing the Duties of the Assistant Secretary of the Army, Civil Works) are being sent out today to all of the governors (the last we heard from OCIR earlier this afternoon, they were still transmitting the letters via email and would be mailing a hard copy soon) regarding the forthcoming WOTUS rulemakings. I've attached a sample of the letters that were sent out, and the press release is below. We have notified the Administrator's office of a typo in the press release Deliberative Process / Ex. 5 but wanted to be sure you had these materials as an FYI. I'll also be posting these items to the SharePoint site. Please let us know if you have any questions. We heard that this press release went out at 11 am today.



**CONTACT:**  
[press@epa.gov](mailto:press@epa.gov)

## FOR IMMEDIATE RELEASE

May 9, 2017

# EPA and U.S. Army Solicit State Input on Redefining “Waters of the U.S.”

*“EPA is restoring states’ important role in the regulation of water” – Administrator Pruitt*

**WASHINGTON** – U.S. Environmental Protection Agency and the U.S. Army sent a letter to governors today soliciting input from states on a new definition of protected waters that is in-line with a Supreme Court Justice Antonin Scalia’s opinion in the 2006 *Rapanos v. United States* case. Scalia’s definition explains that federal oversight should extend to “relatively permanent” waters and wetlands with a “continuous surface connection” to large rivers and streams.

“EPA is restoring states’ important role in the regulation of water,” **said EPA Administrator Scott Pruitt**. “Like President Trump, I believe that we need to work with our state governments to understand what they think is the best way to protect their waters, and what actions they are already taking to do so. We want to return to a regulatory partnership, rather than regulate by executive fiat.”

"The Army, together with the Corps of Engineers, is committed to working closely with and supporting the EPA on these rulemakings. As we go through the rulemaking process, we will continue to make the implementation of the Clean Water Act Section 404 regulatory program as transparent as possible for the regulated public, " **said Douglas Lamont, senior official performing the duties of the Assistant Secretary of the Army for Civil Works.**

The Clean Water Act asserts federal control over “traditionally navigable waters” without providing clarity or details about the law’s scope. President Donald Trump signed an executive order on February 28, 2017 to direct federal agencies to roll back and replace the Obama Administration’s Clean Water Rule – also known as the “Waters of the U.S.” or WOTUS – to ensure that the nation’s navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution.

To meet the objectives of the executive order, federal agencies are following a two-step process that will provide as much certainty as possible, as quickly as possible, to the regulated community and the public during the development of the replacement rule.

The first step is to revise the Code of Federal Regulations to re-codify the definition of “Waters of the United States” which currently governs administration of the Clean Water Act, in light of a decision by the U.S. Court of Appeals for the Sixth Circuit staying a definition of “Waters of the United States” promulgated by the agencies in 2015. This action will simply make the text of the Code of Federal Regulations reflect the definition currently in effect under the Sixth Circuit stay. This action, when final, will not change current practice with respect to the how the definition applies, which is consistent with Supreme Court decisions, agency guidance documents, and longstanding practice.

The second step will be a public notice-and-comment rulemaking involving a substantive reevaluation and revision of the definition of “Waters of the U.S.” in accordance with the executive order. The letter sent to governors today is seeking input on the second step of the

process.

R079

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).  
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

**From:** Kwok, Rose [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3D2987BA8F246A5A9E37773201FD180-KWOK, ROSE]  
**Sent:** 5/15/2017 11:58:48 PM  
**To:** Livingston, Peggy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3400499519284088ab18df0935e6665c-Livingston, Peggy]; Wehling, Carrie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3e55f11fdc7489698be69849b301da6-CWEHLING]; Christensen, Damaris [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e04107c23c1043d6967754064c477a29-Christensen, Damaris]; Downing, Donna [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d853e50d3a2b489daf2cc498c052e3d6-DDowning]; Kupchan, Simma [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=784e0aea94a7485fa0435cc0cf5a62a5-SASHER]  
**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

## Deliberative Process / Ex. 5

**From:** Kwok, Rose  
**Sent:** Monday, May 15, 2017 7:56 PM  
**To:** Livingston, Peggy <Livingston.Peggy@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

# Deliberative Process / Ex. 5

**From:** Livingston, Peggy  
**Sent:** Monday, May 15, 2017 5:17 PM  
**To:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Hi. I gather that it's OK for Region 8 to provide copies of the letter, the press release, and the federalism powerpoint to state environmental directors and state agriculture directors. However, if it's not, would you please let me know by, say, mid-week? I've been getting calls from our RA's office. Thank you.

Peggy Livingston  
Senior Enforcement Attorney  
Legal Enforcement Program  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
(303) 312-6858 (phone)  
(303) 312-7202 (fax)

**From:** Livingston, Peggy  
**Sent:** Friday, May 12, 2017 1:13 PM

**To:** Wehling, Carrie <[Wehling.Carrrie@epa.gov](mailto:Wehling.Carrrie@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>; Downing, Donna <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>

**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Thank you. I just wanted to confirm that it is public. It looks public to me, but I wanted to be sure that was the case.

Peggy Livingston  
Senior Enforcement Attorney  
Legal Enforcement Program  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
(303) 312-6858 (phone)  
(303) 312-7202 (fax)

---

**From:** Wehling, Carrie

**Sent:** Friday, May 12, 2017 12:12 PM

**To:** Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>; Livingston, Peggy <[Livingston.Peggy@epa.gov](mailto:Livingston.Peggy@epa.gov)>; Downing, Donna <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>

**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

**Deliberative Process / Ex. 5**

Carrie

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
[wehling.carrie@epa.gov](mailto:wehling.carrie@epa.gov)

---

**From:** Christensen, Damaris

**Sent:** Friday, May 12, 2017 1:37 PM

**To:** Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>; Livingston, Peggy <[Livingston.Peggy@epa.gov](mailto:Livingston.Peggy@epa.gov)>; Downing, Donna <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>; Wehling, Carrie <[Wehling.Carrrie@epa.gov](mailto:Wehling.Carrrie@epa.gov)>

**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

**Deliberative Process / Ex. 5**

Damaris

---

**From:** Kwok, Rose

**Sent:** Friday, May 12, 2017 1:19 PM

To: Livingston, Peggy <Livingston.Peggy@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>

Subject: Re: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Hi Peggy,

For 1, **Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

2. **Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Rose Kwok  
U.S. Environmental Protection Agency  
Wetlands Division  
[kwok.rose@epa.gov](mailto:kwok.rose@epa.gov)  
202-566-0657, 202-566-1375 (fax)

---

**From:** Livingston, Peggy  
**Sent:** Friday, May 12, 2017 1:10:02 PM  
**To:** Kwok, Rose; Christensen, Damaris; Downing, Donna; Wendelowski, Karyn; Wehling, Carrie  
**Subject:** RE: EPA and U.S. Army Solicit State Input on Redefining "Waters of the U.S."

Hi. Thank you for sending this information. Someone in Region 8 called me with the following questions, because she's been getting questions from at least one of our states.

**Deliberative Process / Ex. 5**

Thank you very much.

Peggy Livingston  
Senior Enforcement Attorney  
Legal Enforcement Program  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202

(303) 312-6858 (phone)  
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**From:** Kwok, Rose

**Sent:** Tuesday, May 09, 2017 3:40 PM

**To:** OW-OWOW-WD <OWOWOWWD@epa.gov>; EPA Wetlands Managers <EPA\_Wetlands\_Managers@epa.gov>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Sachs, Erica <Sachs.Erica@epa.gov>; Williams, Ann <Williams.Ann@epa.gov>; Montella, Daniel <Montella.Daniel@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>; Shamet, Stefania <Shamet.Stefania@epa.gov>; Somerville, Eric <Somerville.Eric@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Melgin, Wendy <melgin.wendy@epa.gov>; Schaller, Andrea <schaller.andrea@epa.gov>; Fontenot, Alison <Fontenot.Alison@epa.gov>; Schafer, Jeannette <schafer.jeannette@epa.gov>; McCarthy, Julia <McCarthy.Julia@epa.gov>; Livingston, Peggy <Livingston.Peggy@epa.gov>; Leidy, Robert <Leidy.Robert@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Stokely, Peter <Stokely.Peter@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Flannery-Keith, Erin <Flannery-Keith.Erin@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Auerbach, Daniel <Auerbach.Daniel@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavid, Michael W. <Mcdavit.Michael@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Balasa, Kate <balasa.kate@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Cantilli, Robert <Cantilli.Robert@epa.gov>; Martinez, Maria <Martinez.Maria@epa.gov>; Cindy Barger <cindy.s.barger.civ@mail.mil>; Morgan, James <Morgan.James@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Alexander, Laurie <Alexander.Laurie@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>

**Cc:** Peterson, Carol <Peterson.Carol@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Horchem, Brad <horchem.brad@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Kovac, Steve <Kovac.Steve@epa.gov>

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**CONTACT:**  
[press@epa.gov](mailto:press@epa.gov)

**FOR IMMEDIATE RELEASE**  
May 9, 2017

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R079

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).  
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

**To:** Kupchan, Simma[Kupchan.Simma@epa.gov]  
**Cc:** Wendelowski, Karyn[wendelowski.karyn@epa.gov]  
**From:** Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]  
**Sent:** Thur 5/11/2017 7:31:10 PM (UTC)  
**Subject:** FW: presignature review of WOTUS  
[FRL-9962-34-OW Elizabeth Thomas.docx](#)

## Deliberative Process / Attorney Client / Ex. 5

Carrie

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
wehling.carrie@epa.gov

---

**From:** Owens, Nicole  
**Sent:** Thursday, May 11, 2017 3:27 PM  
**To:** Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Cc:** Thomas, Elizabeth <Thomas.Elizabeth@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Nurse, Leanne <Nurse.Leanne@epa.gov>  
**Subject:** presignature review of WOTUS

Hi Sandy, Mindy and Carrie –

Deliberative Process / Ex. 5

If you have any questions, please contact Elizabeth Thomas.

Nicole

Message

---

**From:** Doyle, Andrew (ENRD) [Andrew.Doyle@usdoj.gov]  
**Sent:** 5/8/2017 5:00:43 PM  
**To:** Dona, Amy (ENRD) [Amy.Dona@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; martha.mann@usdoj.gov [Martha.Mann@usdoj.gov]; Dertke, Daniel (ENRD) [Daniel.Dertke@usdoj.gov]; McCune, Devon Lehman (ENRD) [Devon.McCune@usdoj.gov]; Lipshultz, Jon (ENRD) [Jon.Lipshultz@usdoj.gov]; 'Boyd, Milt HQ02' [milt.boyd@usace.army.mil]; 'Inkelas, Daniel HQ02' [Daniel.Inkelas@usace.army.mil]; 'David.R.Cooper@usace.army.mil' [David.R.Cooper@usace.army.mil]; 'Bregman, Lauren R CIV USARMY HQDA OGC (US)' [lauren.r.bregman.civ@mail.mil]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wendelowski, Karyn [wendelowski.karyn@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Neumann, Jennifer Scheller (ENRD) [Jennifer.Neumann@usdoj.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' [shahara.t.timbrook.mil@mail.mil]; 'Catherine.b.roy.mil@mail.mil' [Catherine.b.roy.mil@mail.mil]; Gunter, David (ENRD) [David.Gunter2@usdoj.gov]; 'Craig.r.schmauder.civ@mail.mil' [Craig.r.schmauder.civ@mail.mil]; McArdle, Kevin (ENRD) [Kevin.McArdle@usdoj.gov]  
**Subject:** RE: Clean Water Rule (S. Ct.)  
**Attachments:** 16-299, National Association of Manufacturers v. US Dept. of Defense, et....pdf

Hello,

Since I sent you five opening briefs seeking reversal, an amicus brief supporting petitioners was filed (attached).

Right now, we are hoping to send you a draft for review the morning of 5/18 with comments due by cob on 5/22.

Deliberative Process / Ex. 5

**Deliberative Process / Ex. 5**

Thanks!  
-Andy Doyle  
(202) 514-4427  
[andrew.doyle@usdoj.gov](mailto:andrew.doyle@usdoj.gov)

**To:** Dona, Amy (ENRD)[Amy.Dona@usdoj.gov]; O'Donnell, Jessica (ENRD)[Jessica.O'Donnell@usdoj.gov]; martha.mann@usdoj.gov[Martha.Mann@usdoj.gov]; Dertke, Daniel (ENRD)[Daniel.Dertke@usdoj.gov]; McCune, Devon Lehman (ENRD)[Devon.McCune@usdoj.gov]; Lipshultz, Jon (ENRD)[Jon.Lipshultz@usdoj.gov]; Boyd, Milt HQ02[milt.boyd@usace.army.mil]; Inkelas, Daniel HQ02[Daniel.Inkelas@usace.army.mil]; David.R.Cooper@usace.army.mil[David.R.Cooper@usace.army.mil]; Bregman, Lauren R CIV USARMY HQDA OGC (US)[lauren.r.bregman.civ@mail.mil]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Neumann, Jennifer Scheller (ENRD)[Jennifer.Neumann@usdoj.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)'[shahara.t.timbrook.mil@mail.mil]; Catherine.b.roy.mil@mail.mil[Catherine.b.roy.mil@mail.mil]; Gunter, David (ENRD)[David.Gunter2@usdoj.gov]; Craig.r.schmauder.civ@mail.mil[Craig.r.schmauder.civ@mail.mil]; McArdle, Kevin (ENRD)[Kevin.McArdle@usdoj.gov]  
**From:** Doyle, Andrew (ENRD)  
**Sent:** Fri 4/28/2017 6:44:48 PM  
**Subject:** RE: Clean Water Rule (S. Ct.)  
[16-299bs.pdf](#)

One more trickled in today (total of 5 incoming briefs so far).

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**From:** Doyle, Andrew (ENRD)

**Sent:** Thursday, April 27, 2017 1:33 PM

**To:** Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDERTKE@enrd.usdoj.gov>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; 'Neugeboren, Steven' <Neugeboren.Steven@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; 'Kupchan, Simma' <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLUNDMAN@enrd.usdoj.gov>  
**Subject:** RE: Clean Water Rule (S. Ct.)

Everyone:

I will be sending a series of emails with the incoming briefs filed in the S. Ct. yesterday or today.

I will be omitting David Gunter and Robert Lundman from those emails; Bob has been forwarding them to me, and I'm pretty sure David is on the same service list.

Please feel free to call if you have any questions. We'll be following up shortly with a draft schedule for when to expect a draft brief from ENRD.

Thanks!

-Andy Doyle

(202) 514-4427

[andrew.doyle@usdoj.gov](mailto:andrew.doyle@usdoj.gov)

**To:** Adkins, Tabatha[Adkins.Tabatha@epa.gov]; Ager, Sara[Ager.Sara@epa.gov]; Allnut, David[Allnut.David@epa.gov]; amend, carol[amend.carol@epa.gov]; Arvizu, Christy[Arvizu.Christy@epa.gov]; Back, Tracy[back.tracy@epa.gov]; Bartenfelder, David[Bartenfelder.David@epa.gov]; Baumgartner, Donald[baumgartner.donald@epa.gov]; Bishop, Debbie[Bishop.Debbie@epa.gov]; Bloom, Judy[Bloom.Judy@epa.gov]; Boos, Gerard[Boos.Gerard@epa.gov]; Bravo, Antonio[Bravo.Antonio@epa.gov]; Breedlove, Dan[Breedlove.Dan@epa.gov]; Brown, Dan[Brown.Dan@epa.gov]; Burchard, Robert[Burchard.Robert@epa.gov]; Burns, Ward[Burns.Ward@epa.gov]; Butler, John[Butler.JohnJ@epa.gov]; Cabrera-Stagno, Valentina[Cabrera-Stagno.Valentina@epa.gov]; Carter-Jenkins, Shakeba[Carter-Jenkins.Shakeba@epa.gov]; Coats, Andrea[Coats.Andrea@epa.gov]; Collins, Jerry[collins.jerry@epa.gov]; Costa, Allison[Costa.Allison@epa.gov]; Cox, Michael[Cox.Michael@epa.gov]; Daniels, Jason[Daniels.Jason@epa.gov]; Davis, Peter[Davis.Peter@epa.gov]; DeHaven, Leigh[DeHaven.Leigh@epa.gov]; Dowell, Katharine[Dowell.Katharine@epa.gov]; Downing, Jane[Downing.Jane@epa.gov]; Drake, Wendy[drake.wendy@epa.gov]; Dunkins, Robin[Dunkins.Robin@epa.gov]; Dunlevy, Robert[Dunlevy.Robert@epa.gov]; Dygowski, Laurel[Dygowski.Laurel@epa.gov]; Fenton, Kathleen[Fenton.Kathleen@epa.gov]; Fergusson, Bruce[Fergusson.Bruce@epa.gov]; Figueroa, Zaida[Figueroa.Zaida@epa.gov]; Fisher, Jacqueline[Fisher.Jacqueline@epa.gov]; Fitz, Nancy[Fitz.Nancy@epa.gov]; Flahive, Katie[Flahive.Katie@epa.gov]; Frizzell, Damon[Frizzell.Damon@epa.gov]; Galloway, Carol[Galloway.Carol@epa.gov]; Gargas, Toni[Gargas.Toni@epa.gov]; Gesalman, Claire[Gesalman.Claire@epa.gov]; Gilbert, Neal[Gilbert.Neal@epa.gov]; Gould, Stephen[Gould.Stephen@epa.gov]; Gratz, Jeff[Gratz.Jeff@epa.gov]; Greenwald, Kathryn[Greenwald.Kathryn@epa.gov]; greg.johnson@por.usda.gov[greg.johnson@por.usda.gov]; Grier, Gina[Grier.Gina@epa.gov]; Grisier, Mary[Grisier.Mary@epa.gov]; Groman, Hazel[Groman.Hazel@epa.gov]; Gunter, Jason[gunter.jason@epa.gov]; Halstead, Amanda[halstead.amanda@epa.gov]; Hamera, Donald[Hamera.Don@epa.gov]; Hart, Debbi[Hart.Debbi@epa.gov]; Heinemann, Kristina[Heinemann.Kristina@epa.gov]; Horak, David[horak.david@epa.gov]; Horchem, Brad[horchem.brad@epa.gov]; Howard, MarkW[Howard.MarkW@epa.gov]; Howland, Sanda[Howland.Sanda@epa.gov]; Hubert, Gayle[Hubert.Gayle@epa.gov]; Hyde, Tinka[hyde.tinka@epa.gov]; Jackson, Robert W.[Jackson.Robertw@epa.gov]; Jacobs, Kira[Jacobs.Kira@epa.gov]; Johnson, James[Johnson.James@epa.gov]; Kasai, Jeanne[Kasai.Jeanne@epa.gov]; Schefski, Melissa[Schefski.Melissa@epa.gov]; Keaney, Kevin[Keaney.Kevin@epa.gov]; Koethe, Robert[Koethe.Robert@epa.gov]; Krudner, Maureen[Krudner.Maureen@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; Lamb, Brad[Lamb.Brad@epa.gov]; Lancaster, Kris[Lancaster.Kris@epa.gov]; Landy, Ronald[Landy.Ronald@epa.gov]; Larsen, Erika[Larsen.Erika@epa.gov]; Lehman, Stuart[Lehman.Stuart@epa.gov]; Lemieux, Paul[Lemieux.Paul@epa.gov]; LEVIN, NANCY[Levin.Nancy@epa.gov]; Longo, Linda[Longo.Linda@epa.gov]; Lubbe, Wendy[Lubbe.Wendy@epa.gov]; MacIntyre, Mark[MacIntyre.Mark@epa.gov]; Mahoney, Michele[Mahoney.Michele@epa.gov]; Matthews, Mark[Matthews.Mark@epa.gov]; McCullough, Hugh[McCullough.Hugh@epa.gov]; Mitschele, Becky[Mitschele.Becky@epa.gov]; Moore, Audrey[Moore.Audrey@epa.gov]; Moses, Althea[Moses.Althea@epa.gov]; Nuhfer, Mark[Nuhfer.Mark@epa.gov]; Olszyk, David[Olszyk.David@epa.gov]; Ostigaard, Crystal[Ostigaard.Crystal@epa.gov]; Peak, Nicholas[Peak.Nicholas@epa.gov]; Perreault, Peg[Perreault.Peg@epa.gov]; Perrin, Rebecca[Perrin.Rebecca@epa.gov]; Peterson, Samuel[Peterson.Samuel@epa.gov]; Phillips, Todd[Phillips.Todd@epa.gov]; Pierce, Troy[Pierce.Troy@epa.gov]; Pinkerton, Kate[Pinkerton.Kate@epa.gov]; Plymale, Chris[Plymale.Christopher@epa.gov]; Pollard, Stephen[Pollard.Stephen@epa.gov]; Pont, Richard[Pont.Richard@epa.gov]; Porter, Donna[Porter.Donna@epa.gov]; Rao, Kate[Rao.kate@epa.gov]; Ridley, Caroline[Ridley.Caroline@epa.gov]; Rise, David[rise.david@epa.gov]; Roberto, Joseph[Roberto.Joseph@epa.gov]; Roberts, Rickey[Roberts.Rickey@epa.gov]; Rodriguez-Hunt, Magda[Rodriguez-Hunt.Magda@epa.gov]; Sampath, Sam[Sampath.Sam@epa.gov]; Sarokin, David[Sarokin.David@epa.gov]; Schademann, Randy[Schademann.Randy@epa.gov]; Schafer, Jeannette[schafer.jeannette@epa.gov]; Schrock, Bill[Schrock.Bill@epa.gov]; Shenk, Kelly[shenk.kelly@epa.gov]; Shields, Amy[Shields.Amy@epa.gov]; Socha, Julianne[socha.julianne@epa.gov]; Spaulding, William[spaulding.william@epa.gov]; Sperry, Clint[Sperry.Clint@epa.gov]; Stevenson, Michelle[Stevenson.Michelle@epa.gov]; Stevenson, Suzanne[Stevenson.Suzanne@epa.gov]; Stoy, Alyse[Stoy.Alyse@epa.gov]; Suffian, Fred[Suffian.Fred@epa.gov]; Sullivan, Tim[Sullivan.Tim@epa.gov]; Swackhammer, J-Troy[Swackhammer.J-Troy@epa.gov]; Szylvian, Andrea M.[Szylvian.Andrea@epa.gov]; Tankersley, Julie[Tankersley.Julie@epa.gov]; Terada, Derrick[Terada.Derrick@epa.gov]; Thilsted, Eugene[Thilsted.Eugene@epa.gov]; Thomas, Derval[Thomas.Derval@epa.gov]; Thomas, Paul[thomas.paul@epa.gov]; Urban, Trevor[Urban.Trevor@epa.gov]; Utting, George[Utting.George@epa.gov]; Vantil, Barbara[vantil.barbara@epa.gov]; Weiler, Gregory[weiler.gregory@epa.gov]; Weinberg, Anne[Weinberg.Anne@epa.gov]; Werntz, James[Werntz.James@epa.gov]; Wilkinson, Bruce[wilkinson.bruce@epa.gov]; Winiecki, Eric[Winiecki.Eric@epa.gov]; Winn, G. 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DC[Patty.Lawrence@wdc.usda.gov]; Freeman, Tamara[Freeman.Tamara@epa.gov]; Aspy, Dale[Aspy.Dale@epa.gov]; Bassett, Jay[Bassett.Jay@epa.gov]; Bingham, Kimberly[Bingham.Kimberly@epa.gov]; Cheeks, Thornell[Cheeks.Thornell@epa.gov]; Davis, Molly[Davis.Molly@epa.gov]; Davis, Scott[Davis.ScottR@epa.gov]; Fifadara, Dipesh[Fifadara.Dipesh@epa.gov]; Gillam, Rick[Gillam.Rick@epa.gov]; Huey, Joel[Huey.Joel@epa.gov]; Johnston, Jon[Johnston.Jon@epa.gov]; Laycock, Kelly[Laycock.Kelly@epa.gov]; Newbold, Amy[Newbold.Amy@epa.gov]; Powell, Alan[Powell.Alan@epa.gov]; Strange, Joel[Strange.Joel@epa.gov]; Thomas, Chris[Thomas.Chris@epa.gov]; Webster, James[Webster.James@epa.gov]; Wylie, Mike[Wylie.Mike@epa.gov]; Echeverria, Marietta[Echeverria.Marietta@epa.gov]; Goodis, Michael[Goodis.Michael@epa.gov]; Ziobro, Joseph[Ziobro.Joseph@epa.gov]; Heber, Margarete[Heber.Margarete@epa.gov]; Melnick, Rachel - NIFA[RMelnick@nifa.usda.gov]; Helder, Dirk[Helder.Dirk@epa.gov]; Murphy, Jim[Murphy.Jim@epa.gov]; Mehaffey, Megan[Mehaffey.Megan@epa.gov]; Chu, Karen[Chu.Karen@epa.gov]; Wirth, Karen[Wirth.Karen@epa.gov]; Watson, Jane[watson.jane@epa.gov]; Dwyer, Stacey[Dwyer.Stacey@epa.gov]; Ruiz, Thomas[Ruiz.Thomas@epa.gov]; Cooper, WilliamF[Cooper.WilliamF@epa.gov]; Kaspar, Paul[kaspar.paul@epa.gov]; Hamilton, Denise[Hamilton.Denise@epa.gov]; Nystrom, Eric[nystrom.eric@epa.gov]; Khan, Sidrah[khan.sidrah@epa.gov]; Jones, Kristin[jones.kristin@epa.gov]; Foreman, Katherine[Foreman.Katherine@epa.gov]; Nitsch, Chad[Nitsch.Chad@epa.gov]; Abrams, Nancy[Abrams.Nancy@epa.gov]; Ellington, Natalie[Ellington.Natalie@epa.gov]; FertikEdgerton, Rachel[FertikEdgerton.Rachel@epa.gov]; Lane, Willie[Lane.Willie@epa.gov]; Honker, William[honker.william@epa.gov]; Lawrence, Rob[Lawrence.Rob@epa.gov]; Argyropoulos, Paul[Argyropoulos.Paul@epa.gov]; Molloy, Jennifer[molloy.jennifer@epa.gov]; Williams, Bo (James)[Williams.James@epa.gov]; Schaeffer, Blake[Schaeffer.Blake@epa.gov]; Greene, Rick[Greene.Rick@epa.gov]; Chan, Janice[Chan.Janice@epa.gov]; Morant, Mervalin - NIFA[MMorant@nifa.usda.gov]; Berg, ElizabethG[Berg.ElizabethG@epa.gov]; Culver, Edison[culver.edison@epa.gov]; Hubbard, Joseph[Hubbard.Joseph@epa.gov]; Crocker, Philip[crocker.philip@epa.gov]; Garcia, David[Garcia.David@epa.gov]; Abshire, Andrea[Abshire.Andrea@epa.gov]; Kilgo, James[kilgo.james@epa.gov]; Bailley, Treasure[Bailley.Treasure@epa.gov]; Basile, Alfred[Basile.Alfred@epa.gov]; Hutchinson, Marcella[Hutchinson.Marcella@epa.gov]; Ismert, Peter[Ismert.Peter@epa.gov]; Kleeman, Gary[Kleeman.Gary@epa.gov]; Mellor, Ron[mellor.ron@epa.gov]; Monahan, Peter[Monahan.Peter@epa.gov]; Oberley, Gregory[Oberley.Gregory@epa.gov]; Pfeiffer, Tricia[Pfeiffer.Tricia@epa.gov]; Steinhaus, Eric[Steinhaus.Eric@epa.gov]; Truskowski, Brent[truskowski.brent@epa.gov]; Canino, Richard[Canino.Richard@epa.gov]; Delapue, Alejandro[adelapue@nsf.gov]; Wooster, Richard[Wooster.Richard@epa.gov]; Table, Melba[Table.Melba@epa.gov]; Kensinger, Justin[kensinger.justin@epa.gov]; Ortiz, Eduardo[Ortiz.Eduardo@epa.gov]; Restivo, Angela[Restivo.Angela@epa.gov]; Reinhart, Jill - NRCS, Indianapolis, IN[jill.reinhart@in.usda.gov]; Wooster-Brown, Catherine[Wooster-Brown.Catherine@epa.gov]; Jones, Margaret[jones.margaret@epa.gov]; McDonald, Holly[mcdonald.holly@epa.gov]; Rivera-Lupianez, Ana[Rivera-Lupianez.Ana@epa.gov]; Mehl, Hollis[Mehl.Hollis@epa.gov]; Drake, Kerry[Drake.Kerry@epa.gov]; krheinemann@gmail.com[krheinemann@gmail.com]

**From:** Mortensen, Ginah[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=37EEFA62D64F4934B1E1B8534297AAE9-MORTENSEN, GINAH]

**Sent:** Fri 4/28/2017 12:30:06 PM (UTC)

**Subject:** FW: Follow-up from Ag Forum call

[federalism ppt Federalism meeting.pdf](#)

[Tribal Consultation Flyer.pdf](#)

Hello Everyone (sent to the email list for the monthly Ag Issues Forum calls),

In follow-up to yesterday's Ag Issues Forum call, please see the email below and attached files from Troy Swackhammer, OLEM, regarding Waters of the US (WOTUS): 1) slides on the E.O. 13132 Federalism Consultation Meeting, "Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule" and 2) information on Tribal Consultation and Coordination webinars on WOTUS. (Thanks, Troy!)

Thanks!

Ginah

Ginah Mortensen

913-551-5028

Attorney Advisor

Compliance Policy Staff

Monitoring, Assistance, and Media Programs Division

Office of Compliance

Director, EPA National Agriculture Center

1-888-663-2155

<http://www.epa.gov/agriculture>

To receive notifications about updates to the EPA agriculture website and EPA news items of interest to the ag community, subscribe to the Ag Center's News Service by sending a blank email to this address:

[join-agcenter@lists.epa.gov](mailto:join-agcenter@lists.epa.gov)

---

**From:** Swackhammer, J-Troy  
**Sent:** Thursday, April 27, 2017 6:34 PM  
**To:** Mortensen, Ginah <mortensen.ginah@epa.gov>  
**Subject:** Follow-up from Ag Forum call

Hey Ginah,

Please see attached files that I discussed today. OK to distribute.

Thx,  
Troy

**To:** Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]  
**From:** Wendelowski, Karyn  
**Sent:** Thur 4/27/2017 1:33:40 PM  
**Subject:** RE: wotus enforcement

So it sounds like this meeting will be at noon on Friday **Deliberative Process / Ex. 5**  
**Deliberative Process / Ex. 5**

Karyn Wendelowski  
Attorney-Advisor  
Water Law Office  
Office of General Counsel  
(202)564-5493

---

**From:** Neugeboren, Steven  
**Sent:** Tuesday, April 25, 2017 11:50 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** FW: wotus enforcement

Fyi- I can briefly explain this at today's wotus mtg

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
Environmental Protection Agency  
202-564-5488

---

**From:** Speir, Jeffrey  
**Sent:** Tuesday, April 25, 2017 11:36 AM  
**To:** Cozad, David <Cozad.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Cc:** Theis, Joseph <Theis.Joseph@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>  
**Subject:** RE: wotus reinforcement

I have attached **Deliberative Process / Ex. 5**  
**Deliberative Process / Ex. 5**

Please let me know if you have any questions.

Jeffrey Speir  
Attorney-Adviser  
U.S. Environmental Protection Agency  
OECA – OCE – Water Enforcement Division  
1200 Pennsylvania Avenue, NW (2243-A)  
Washington, DC 20460  
(202) 564-0872

---

**From:** Pollins, Mark  
**Sent:** Tuesday, April 25, 2017 9:19 AM  
**To:** Speir, Jeffrey <speir.jeffrey@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>  
**Cc:** Theis, Joseph <Theis.Joseph@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>

**Subject:** FW: wotus reinforcement

You guys mind forwarding what you have to Steve. Thanks. You can copy all of us so we have an e copy too.

Mark Pollins, Director  
Water Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance (OECA)  
U.S. Environmental Protection Agency  
Phone: (202) 564-4001  
Fax: (202) 564-0018

---

**From:** Cozad, David  
**Sent:** Monday, April 24, 2017 10:09 PM  
**To:** Pollins, Mark <[Pollins.Mark@epa.gov](mailto:Pollins.Mark@epa.gov)>; Shinkman, Susan <[Shinkman.Susan@epa.gov](mailto:Shinkman.Susan@epa.gov)>  
**Subject:** Fwd: wotus reinforcement

Hi

See below. Can you send Neugobore: **Deliberative Process / Ex. 5** I don't think I have it electronically (The final version, anyway). Also the info on **Deliberative Process / Ex. 5**

Thanks  
Dave Cozad  
Acting Deputy AA, OECA

Sent from my iPhone  
Begin forwarded message:

**From:** "Greenwalt, Sarah" <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>  
**Date:** April 24, 2017 at 7:46:42 PM EDT  
**To:** "Cozad, David" <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>  
**Cc:** "Neugeboren, Steven" <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>  
**Subject:** wotus reinforcement

Hi David,

Would you please provide Steve with a copy of **Deliberative Process / Ex. 5**  
**Deliberative Process / Ex. 5**

Thanks!

**Sarah A. Greenwalt**  
Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency  
Work: 202-564-1722 | Cell: **Personal Phone / Ex. 6**  
[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

**To:** Kupchan, Simma[Kupchan.Simma@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]  
**From:** Neugeboren, Steven  
**Sent:** Tue 4/25/2017 3:50:18 PM  
**Subject:** FW: wotus enforcement

## Deliberative Process / Ex. 5

Fyi- I can briefly explain this at today's wotus mtg

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
Environmental Protection Agency  
202-564-5488

---

**From:** Speir, Jeffrey  
**Sent:** Tuesday, April 25, 2017 11:36 AM  
**To:** Cozad, David <Cozad.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Cc:** Theis, Joseph <Theis.Joseph@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>  
**Subject:** RE: wotus reinforcement

I have attached: **Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Please let me know if you have any questions.

Jeffrey Speir  
Attorney-Adviser  
U.S. Environmental Protection Agency  
OECA – OCE – Water Enforcement Division  
1200 Pennsylvania Avenue, NW (2243-A)  
Washington, DC 20460  
(202) 564-0872

---

**From:** Pollins, Mark  
**Sent:** Tuesday, April 25, 2017 9:19 AM  
**To:** Speir, Jeffrey <speir.jeffrey@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>  
**Cc:** Theis, Joseph <Theis.Joseph@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>  
**Subject:** FW: wotus reinforcement

You guys mind forwarding what you have to Steve. Thanks. You can copy all of us so we have an e copy too.

Mark Pollins, Director  
Water Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance (OECA)  
U.S. Environmental Protection Agency  
Phone: (202) 564-4001  
Fax: (202) 564-0018

---

**From:** Cozad, David  
**Sent:** Monday, April 24, 2017 10:09 PM  
**To:** Pollins, Mark <Pollins.Mark@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>  
**Subject:** Fwd: wotus reinforcement

Hi

See below. Can you send Neugoboren **Deliberative Process / Ex. 5** I don't think I have it electronically (The final version, anyway). Also **Deliberative Process / Ex. 5**

Thanks  
Dave Cozad  
Acting Deputy AA, OECA

Sent from my iPhone  
Begin forwarded message:

**From:** "Greenwalt, Sarah" <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>  
**Date:** April 24, 2017 at 7:46:42 PM EDT  
**To:** "Cozad, David" <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>  
**Cc:** "Neugeboren, Steven" <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>  
**Subject:** **wotus reinforcement**

Hi David,

Would you please provide Steve with

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Thanks!

**Sarah A. Greenwalt**  
Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency  
Work: 202-564-1722 | Cell: **Personal Phone / Ex. 6**  
[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

**To:** Anderson, Steve[Anderson.Steve@epa.gov]; Bove, James[Bove.James@epa.gov]; Cherry, Andrew[Cherry.Andrew@epa.gov]; Fishburn, Meredith[Fishburn.Meredith@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]; Lewis, Jen[Lewis.Jen@epa.gov]; Schefski, Melissa[Schefski.Melissa@epa.gov]; Messier, Dawn[Messier.Dawn@epa.gov]; Prabhu, Aditi[Prabhu.Aditi@epa.gov]; Reynolds, Rebekah[Reynolds.Rebekah@epa.gov]; Ronquillo, Manuel[Ronquillo.Manuel@epa.gov]; Silver, Wendy[Silver.Wendy@epa.gov]; Stahle, Susan[Stahle.Susan@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Vinch, James[Vinch.James@epa.gov]; Wade, Alexis[Wade.Alexis@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]  
**From:** Holmes, Carol  
**Sent:** Mon 4/24/2017 9:55:02 PM  
**Subject:** Updated case tracking chart for ACO defensive cases  
[Table of ACO Cases 4 21 17.docx](#)

Hey y'all – attached is an updated tracking chart. Note that the district court held against the Army Corps on the merits re the JD in *Hawkes*. Otherwise no major developments.

Thanks for the updates! Carol

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

---

Carol S. Holmes  
Senior Counsel  
Crosscutting Policy Staff  
Office of Civil Enforcement (MC 2241A)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
Phone (202) 564-8709

---

**To:** Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]  
**From:** Wendelowski, Karyn[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1D913E7D7397466A803149761A0BDF18-KWENDELO]  
**Sent:** Fri 4/21/2017 3:32:09 PM (UTC)  
**Subject:** RE: Revised Step I preamble  
WOTUS-2 Step 1 working preamble 4-20-17 for OGC review 4-21 1130clean.docx

**Attorney Client / Deliberative Process / Ex. 5**

Karyn Wendelowski  
Attorney-Advisor  
Water Law Office  
Office of General Counsel  
(202)564-5493

**From:** Neugeboren, Steven  
**Sent:** Friday, April 21, 2017 11:10 AM  
**To:** Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Subject:** RE: Revised Step I preamble

**Attorney Client / Deliberative Process / Ex. 5**

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
Environmental Protection Agency  
202-564-5488

**From:** Wendelowski, Karyn  
**Sent:** Friday, April 21, 2017 9:27 AM  
**To:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Subject:** RE: Revised Step I preamble

**Attorney Client / Deliberative Process / Ex. 5**

Karyn Wendelowski  
Attorney-Advisor  
Water Law Office  
Office of General Counsel  
(202)564-5493

**From:** Wehling, Carrie  
**Sent:** Friday, April 21, 2017 8:17 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** RE: Revised Step I preamble

**Attorney Client / Deliberative Process / Ex. 5**

Caroline (Carrie) Wehling  
Assistant General Counsel

Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
[wehling.carrie@epa.gov](mailto:wehling.carrie@epa.gov)

**From:** Kupchan, Simma

**Sent:** Thursday, April 20, 2017 4:12 PM

**To:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>

**Subject:** Revised Step I preamble

# Attorney Client / Deliberative Process / Ex. 5

Thanks,  
Simma

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

**To:** Kupchan, Simma[Kupchan.Simma@epa.gov]  
**Cc:** Downing, Donna[Downing.Donna@epa.gov]  
**From:** Wehling, Carrie[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]  
**Sent:** Thur 4/20/2017 4:11:33 PM (UTC)  
**Subject:** FW: Agenda for today's WOTUS-2 Regional-HQ Workgroup Meeting, plus some WOTUS-related materials  
[federalism FINAL ppt 4-19-17.pptx](#)  
[draft Basic Talking Points.docx](#)

I have another meeting at this time, with Mike Shapiro so won't be there, FYI. Not that I'm needed, just wanted to let you know. ☺

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
wehling.carrie@epa.gov

---

**From:** Downing, Donna  
**Sent:** Thursday, April 20, 2017 12:03 PM  
**To:** Sachs, Erica <Sachs.Erica@epa.gov>; Williams, Ann <Williams.Ann@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Balasa, Kate <balasa.kate@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; DCRoomWest7301/DC-CCW-OWOW <DCRoomWest7301@epa.gov>; Yu, Yone <yu.yone@epa.gov>; Weaver, Kerryann <weaver.kerryann@epa.gov>; Somerville, Eric <Somerville.Eric@epa.gov>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Montella, Daniel <Montella.Daniel@epa.gov>; Lapp, Jeffrey <lapp.jeffrey@epa.gov>; Shamet, Stefania <Shamet.Stefania@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Melgin, Wendy <melgin.wendy@epa.gov>; Schaller, Andrea <schaller.andrea@epa.gov>; Fontenot, Alison <Fontenot.Alison@epa.gov>; Schafer, Jeannette <schafer.jeannette@epa.gov>; McCarthy, Julia <McCarthy.Julia@epa.gov>; Livingston, Peggy <Livingston.Peggy@epa.gov>; Leidy, Robert <Leidy.Robert@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Stokely, Peter <Stokely.Peter@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Flannery-Keith, Erin <Flannery-Keith.Erin@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Auerbach, Daniel <Auerbach.Daniel@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>  
**Subject:** Agenda for today's WOTUS-2 Regional-HQ Workgroup Meeting, plus some WOTUS-related materials

Hi everybody:

Our biweekly Region-HQ WOTUS meeting is scheduled for today at 1pm. The agenda includes:

- **Deliberative Process / Ex. 5**

Those in Federal Triangle will be meeting in 7301 EPA West, the Potomac Conference Room. CALL-IN INFORMATION: Nonresponsive Conference Code/ Ex. 6

Nonresponsive Conference Code/ Ex. 6

Also attached FYI is the powerpoint used for yesterday's Federalism consultation with states, and talking points that senior leadership have OK'd for use when talking with outside groups.

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Talk to you at 1pm!

Donna  
  
Donna Downing  
Acting Chief, Wetlands and Aquatic Resources Regulatory Branch

Office of Wetlands, Oceans & Watersheds  
U.S. Environmental Protection Agency  
ph: (202) 566-1367  
[downing.donna@epa.gov](mailto:downing.donna@epa.gov)

USPS Address:  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Delivery Address:  
1301 Constitution Avenue, NW, room 7214-D  
Washington, DC 20004

**To:** Hewitt, Julie[Hewitt.Julie@epa.gov]; Doley, Todd[Doley.Todd@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]; Massey, Matt[Massey.Matt@epa.gov]; Guignet, Dennis[Guignet.Dennis@epa.gov]; Scodari, Paul F CIV USARMY CEIWR (US)[Paul.F.Scodari@usace.army.mil]; Thomas Hughes[thomas.e.hughes1.civ@mail.mil]; Jensen, Stacey M CIV USARMY HQDA (US)[Stacey.M.Jensen@usace.army.mil]; Robert.W.Brumbaugh@usace.army.mil[Robert.W.Brumbaugh@usace.army.mil]  
**Cc:** Keating, Jim[Keating.Jim@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Ludwig-Monty, Sarah[ludwig-monty.sarah@epa.gov]; Swackhammer, J-Troy[Swackhammer.J-Troy@epa.gov]; Schlieger, Brian[schlieger.brian@epa.gov]  
**From:** Kwok, Rose  
**Sent:** Thur 4/13/2017 10:29:48 PM  
**Subject:** RE: Weekly WOTUS Econ

Hi Folks,

Here is the link to the scoping document that Julie mentioned today:

Nonresponsive Internal URL/ Ex. 6	
Nonresponsive Internal URL/ Ex. 6	I am going to work on updating this Deliberative Process / Ex. 5
<b>Deliberative Process / Ex. 5</b>	
Deliberative Process / Ex. 5	
<b>Nonresponsive Internal URL/ Ex. 6</b>	

-----Original Appointment-----

**From:** Hewitt, Julie  
**Sent:** Thursday, March 30, 2017 5:36 PM  
**To:** Hewitt, Julie; Doley, Todd; McGartland, Al; Massey, Matt; Guignet, Dennis; Scodari, Paul F CIV USARMY CEIWR (US); Thomas Hughes; Kwok, Rose; Jensen, Stacey M CIV USARMY HQDA (US); Robert.W.Brumbaugh@usace.army.mil  
**Cc:** Keating, Jim; Kupchan, Simma; Downing, Donna; Nickerson, William; Ludwig-Monty, Sarah; Swackhammer, J-Troy; Schlieger, Brian  
**Subject:** Weekly WOTUS Econ  
**When:** Thursday, April 13, 2017 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** DCRoomWest7301/DC-CCW-OWOW and Nonresponsive Conference Code/ Ex. 6

I propose the following for today's agenda:

- 
- **Deliberative Process / Ex. 5**
- 
- Other?

I will try to add an Adobe Connect link in case Troy or Sarah want to walk us through their documents.

Nonresponsive Internal URL/ Ex. 6

**To:** Kwok, Rose[Kwok.Rose@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]  
**Cc:** Stacey.M.Jensen@usace.army.mil[Stacey.M.Jensen@usace.army.mil]; Kupchan, Simma[Kupchan.Simma@epa.gov]  
**From:** Auerbach, Daniel  
**Sent:** Tue 3/21/2017 7:03:25 PM  
**Subject:** RE: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

**From:** Kwok, Rose  
**Sent:** Monday, March 20, 2017 8:03 PM  
**To:** Auerbach, Daniel <Auerbach.Daniel@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>  
**Subject:** Re: **Deliberative Process / Ex. 5**

Dan,

# Deliberative Process / Ex. 5

Rose Kwok  
U.S. Environmental Protection Agency  
Wetlands Division  
[kwok.rose@epa.gov](mailto:kwok.rose@epa.gov)  
202-566-0657, 202-566-1375 (fax)

**From:** Auerbach, Daniel  
**Sent:** Friday, March 17, 2017 4:59:29 PM  
**To:** Christensen, Damaris; Downing, Donna; Kwok, Rose  
**Cc:** Bennett, Brittany; Kupchan, Simma; Eisenberg, Mindy  
**Subject:** RE: **Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

**From:** Christensen, Damaris  
**Sent:** Friday, March 17, 2017 3:59 PM  
**To:** Auerbach, Daniel <Auerbach.Daniel@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>  
**Cc:** Bennett, Brittany <bennett.brittany@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Eisenberg,

Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>

Subject: RE: **Deliberative Process / Ex. 5**

Thanks Dan

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Damaris

---

**From:** Auerbach, Daniel

**Sent:** Friday, March 17, 2017 3:38 PM

**To:** Downing, Donna <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>; Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>

**Cc:** Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Bennett, Brittany <[bennett.brittany@epa.gov](mailto:bennett.brittany@epa.gov)>;

Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>

**Subject:** **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

**To:** Kupchan, Simma[Kupchan.Simma@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]; Jensen, Stacey M HQ02[Stacey.M.Jensen@usace.army.mil]  
**Cc:** Wehling, Carrie[Wehling.Carrie@epa.gov]  
**From:** Wade, Alexis[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5C9FBA2EF8444572A39185242B70593B-WADE, ALEXIS]  
**Sent:** Tue 3/21/2017 6:28:31 PM (UTC)  
**Subject:** RE: Deliberative Process / Attorney Client / Ex. 5  
WOTUS2 proposed plan 3-21.17 sak asw.docx

Running out the door. Deliberative Process / Attorney Client / Ex. 5

Alexis Wade  
Attorney-Adviser  
Water Law Office  
EPA Office of General Counsel  
(202) 564-3273

---

**From:** Kupchan, Simma  
**Sent:** Tuesday, March 21, 2017 2:22 PM  
**To:** Christensen, Damaris <Christensen.Damaris@epa.gov>; Jensen, Stacey M HQ02 <Stacey.M.Jensen@usace.army.mil>; Wade, Alexis <Wade.Alexis@epa.gov>  
**Cc:** Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Subject:** RE: Draft Deliberative Process / Attorney Client / Ex. 5

All,

## Deliberative Process / Attorney Client / Ex. 5

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** Kupchan, Simma  
**Sent:** Tuesday, March 21, 2017 1:41 PM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Cc:** Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Goodin, John <Goodin.John@epa.gov>  
**Subject:** RE: Draft 1 pager

## Attorney Client / Deliberative Process / Ex. 5

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** Peck, Gregory  
**Sent:** Tuesday, March 21, 2017 1:31 PM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Best-Wong, Benita <Best-

[Wong.Benita@epa.gov](mailto:Wong.Benita@epa.gov); Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>

**Cc:** Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Downing, Donna <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Subject:** RE: Draft 1 pager

Mindy:

## Attorney Client / Deliberative Process / Ex. 5

Gregory E. Peck  
Chief of Staff  
Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue  
Washington, D.C. 20460

202-564-5700

**From:** Eisenberg, Mindy

**Sent:** Tuesday, March 21, 2017 8:43 AM

**To:** Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Peck, Gregory <[Peck.Gregory@epa.gov](mailto:Peck.Gregory@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>

**Cc:** Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Downing, Donna <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Subject:** RE: Draft 1 pager

Thanks Carrie **Deliberative Process / Attorney Client / Ex. 5**

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

**From:** Wehling, Carrie

**Sent:** Tuesday, March 21, 2017 8:32 AM

**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Peck, Gregory <[Peck.Gregory@epa.gov](mailto:Peck.Gregory@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>

**Cc:** Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Downing, Donna <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Subject:** RE: Draft 1 pager

## Attorney Client / Deliberative Process / Ex. 5

Caroline (Carrie) Wehling

Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
[wehling.carrie@epa.gov](mailto:wehling.carrie@epa.gov)

---

**From:** Eisenberg, Mindy  
**Sent:** Monday, March 20, 2017 5:49 PM  
**To:** Peck, Gregory <[Peck.Gregory@epa.gov](mailto:Peck.Gregory@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>  
**Cc:** Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Downing, Donna <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>  
**Subject:** Draft 1 pager

Hi All,

## Deliberative Process / Attorney Client / Ex. 5

Thanks,  
Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

**To:** Jensen, Stacey M CIV USARMY HQDA (US)[Stacey.M.Jensen@usace.army.mil]; Kupchan, Simma[Kupchan.Simma@epa.gov]  
**From:** Christensen, Damaris[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E04107C23C1043D6967754064C477A29-CHRISTENSEN, DAMARIS]  
**Sent:** Tue 3/21/2017 5:29:29 PM (UTC)  
**Subject:** WOTUS2 proposed plan 3-20-17 ed.docx  
WOTUS2 proposed plan 3-20-17 ed.docx

Draft with placeholders

**To:** Wehling, Carrie[Wehling.Carrie@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]  
**From:** Neugeboren, Steven  
**Sent:** Sun 3/19/2017 5:43:46 PM  
**Subject:** Fwd: draft email to sarah

The latest. I have yet to review carefully. Feel free to call me if you want to share your views. More efficient than email.  
My work phone

Sent from my iPhone  
Steven Neugeboren  
Associate General Counsel  
United States Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington DC. 20460  
202-564-5488

Begin forwarded message:

**From:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>  
**Date:** March 19, 2017 at 1:28:38 PM EDT  
**To:** "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>  
**Subject: Re: draft email to sarah**

**Deliberative Process / Attorney Client Ex. 5**

# Deliberative Process / Attorney Client Ex. 5

Thanks, and feel free to call at any point Personal Phone / Ex. 6

Kevin

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 11:36 AM, Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)> wrote:

**Deliberative Process / Attorney Client Ex. 5**

Associate General Counsel  
Water Law Office  
U.S Environmental Protection Agency  
202-564-5488

Personal Phone / Ex. 6 (C)

---

**From:** Minoli, Kevin  
**Sent:** Sunday, March 19, 2017 9:38 AM  
**To:** Neugeboren, Steven  
**Subject:** Re: draft email to sarah

## Deliberative Process / Attorney Client Ex. 5

# **Deliberative Process / Attorney Client Ex. 5**

# **Deliberative Process / Attorney Client Ex. 5**

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

## **Deliberative Process / Attorney Client Ex. 5**

# **Deliberative Process / Attorney Client Ex. 5**

Steven Neugeboren

Associate General Counsel

Water Law Office

Environmental Protection Agency

202-564-5488

**To:** Wehling, Carrie[Wehling.Carrie@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]  
**From:** Neugeboren, Steven  
**Sent:** Sun 3/19/2017 4:06:36 PM  
**Subject:** Fwd: draft email to sarah

FYI.

Sent from my iPhone  
Steven Neugeboren  
Associate General Counsel  
United States Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington DC. 20460  
202-564-5488

Begin forwarded message:

**From:** "Minoli, Kevin" <Minoli.Kevin@epa.gov>  
**Date:** March 19, 2017 at 12:03:27 PM EDT  
**To:** "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>  
**Subject:** Re: draft email to sarah

Steve- Thanks for your response

**Deliberative Process / attorney client Ex. 5**

**Deliberative Process / attorney client Ex. 5**

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 11:36 AM, Neugeboren, Steven <Neugeboren.Steven@epa.gov> wrote:

**Deliberative Process / attorney client Ex. 5**

**Deliberative Process / attorney client Ex. 5**

**Deliberative Process / attorney client Ex. 5**

# Deliberative Process / attorney client Ex. 5

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
U.S Environmental Protection Agency  
202-564-5488

Personal Phone / Ex. 6 (C)

---

**From:** Minoli, Kevin  
**Sent:** Sunday, March 19, 2017 9:38 AM  
**To:** Neugeboren, Steven  
**Subject:** Re: draft email to sarah

# Deliberative Process / attorney client Ex. 5

# **Deliberative Process / attorney client Ex. 5**

# **Deliberative Process / attorney client Ex. 5**

# Deliberative Process / attorney client Ex. 5

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 1:37 AM, Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)> wrote:

# Deliberative Process / attorney client Ex. 5

# **Deliberative Process / attorney client Ex. 5**

**Deliberative Process / attorney client Ex. 5**

**Deliberative Process / attorney client Ex. 5**

# **Deliberative Process / attorney client Ex. 5**

# **Deliberative Process / attorney client Ex. 5**

Steven Neugeboren

Associate General Counsel

Water Law Office

Environmental Protection Agency

202-564-5488

**To:** Wehling, Carrie[Wehling.Carrie@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]  
**From:** Neugeboren, Steven  
**Sent:** Sun 3/19/2017 3:38:27 PM  
**Subject:** Fw: draft email to sarah

## Deliberative process / attorney client Ex. 5

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
U.S Environmental Protection Agency  
202-564-5488

Personal Phone / Ex. 6

---

**From:** Neugeboren, Steven  
**Sent:** Sunday, March 19, 2017 11:36 AM  
**To:** Minoli, Kevin  
**Subject:** Re: draft email to sarah

## Deliberative Process / attorney client Ex. 5

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
U.S Environmental Protection Agency  
202-564-5488  
301-728-7899 (c)

**From:** Minoli, Kevin  
**Sent:** Sunday, March 19, 2017 9:38 AM  
**To:** Neugeboren, Steven  
**Subject:** Re: draft email to sarah

# **Deliberative Process / attorney client Ex. 5**

# **Deliberative Process / attorney client Ex. 5**

# **Deliberative Process / attorney client Ex. 5**

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 1:37 AM, Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)> wrote:

# **Deliberative Process / attorney client Ex. 5**

Steven Neugeboren

Associate General Counsel

Water Law Office

Environmental Protection Agency

202-564-5488

**To:** Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Veney, Carla[Veney.Carla@epa.gov]  
**Cc:** Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]  
**From:** Albores, Richard  
**Sent:** Fri 3/17/2017 4:23:50 PM  
**Subject:** RE: Options for Revising WOTUS Rule

# AWP/DPP/ Ex. 5

~~~~~  
**RICHARD L. ALBORES**

Associate Deputy General Counsel \* Office of General Counsel \* U.S. EPA \* 1200 Pennsylvania Avenue, NW \* MC2310A \*  
Washington, DC 20460 \* email: [albores.richard@epa.gov](mailto:albores.richard@epa.gov) \* phone: 202.564.7102 \* mobile: Personal Phone / Ex. 6

---

**From:** Neugeboren, Steven

**Sent:** Friday, March 17, 2017 10:58 AM

**To:** Albores, Richard <[Albores.Richard@epa.gov](mailto:Albores.Richard@epa.gov)>; Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>; Veney, Carla <[Veney.Carla@epa.gov](mailto:Veney.Carla@epa.gov)>

**Cc:** Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>

**Subject:** RE: Options for Revising WOTUS Rule

# AWP/DPP/ Ex. 5

Steven Neugeboren

Associate General Counsel

Water Law Office

Environmental Protection Agency

202-564-5488

---

**From:** Albores, Richard

**Sent:** Friday, March 17, 2017 10:49 AM

**To:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>; Veney, Carla <[Veney.Carla@epa.gov](mailto:Veney.Carla@epa.gov)>

**Cc:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>

**Subject:** RE: Options for Revising WOTUS Rule

# AWP/DPP/ Ex. 5

~~~~~  
**RICHARD L. ALBORES**

Associate Deputy General Counsel \* Office of General Counsel \* U.S. EPA \* 1200 Pennsylvania Avenue, NW \* MC2310A \*  
Washington, DC 20460 \* email: [albores.richard@epa.gov](mailto:albores.richard@epa.gov) \* phone: 202.564.7102 \* mobile: Personal Phone / Ex. 6

-----Original Appointment-----

**From:** Gelber, Bruce (ENRD) [<mailto:Bruce.Gelber@usdoj.gov>]

**Sent:** Thursday, March 16, 2017 9:46 AM

**To:** Gelber, Bruce (ENRD); Grishaw, Letitia (ENRD); O'Donnell, Jessica (ENRD); Doyle, Andrew (ENRD); [martha.mann@usdoj.gov](mailto:martha.mann@usdoj.gov);

Neumann, Jennifer Scheller (ENRD); [craig.r.schmauder.civ@mail.mil](mailto:craig.r.schmauder.civ@mail.mil); 'Cooper, David R SES HQ02'; Schwab, Justin; Minoli, Kevin;

Greenwalt, Sarah; Neugeboren, Steven; Wendelowski, Karyn; Wehling, Carrie; Hazard, Katherine (ENRD); Thode, Anna (ENRD);

Wood, Jeffrey (ENRD); Middleton, Brandon (ENRD)

**Subject:** Options for Revising WOTUS Rule

**When:** Friday, March 17, 2017 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** RFK 2143 - Nonresponsive Conference Code/ Ex. 6

All visitors to the Robert F. Kennedy Justice Department Building must enter via the Constitution Avenue center entrance located between 9<sup>th</sup> & 10<sup>th</sup> Streets, NW and will need to show a photo ID.

**To:** Kupchan, Simma[Kupchan.Simma@epa.gov]  
**From:** Wendelowski, Karyn  
**Sent:** Fri 3/17/2017 3:24:13 PM  
**Subject:** RE: Revising WOTUS rule  
[steve comments on email for sarah kw.docx](#)

**Deliberative Process / Ex. 5**

Karyn Wendelowski

Attorney-Advisor

Water Law Office

Office of General Counsel

(202)564-5493

**From:** Kupchan, Simma  
**Sent:** Friday, March 17, 2017 11:19 AM  
**To:** Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** RE: Revising WOTUS rule

**Deliberative Process / Ex. 5**

Simma Kupchan

Water Law Office

US EPA Office of General Counsel

William Jefferson Clinton Building North Room 7426Q

(p) 202-564-3105

**From:** Wendelowski, Karyn

**Sent:** Friday, March 17, 2017 11:16 AM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Subject:** RE: Revising WOTUS rule

**Deliberative Process / Ex. 5**

Karyn Wendelowski

Attorney-Advisor

Water Law Office

Office of General Counsel

(202)564-5493

**From:** Kupchan, Simma  
**Sent:** Friday, March 17, 2017 10:45 AM  
**To:** Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>  
**Subject:** RE: Revising WOTUS rule

Can you give me a quick call when you have a sec at Personal Phone / Ex. 6 Thanks!

Simma Kupchan

Water Law Office

US EPA Office of General Counsel

William Jefferson Clinton Building North Room 7426Q

(p) 202-564-3105

**From:** Wendelowski, Karyn  
**Sent:** Friday, March 17, 2017 10:45 AM

**To:** Dona, Amy (ENRD) <[Amy.Dona@usdoj.gov](mailto:Amy.Dona@usdoj.gov)>; O'Donnell, Jessica (ENRD) <[Jessica.O'Donnell@usdoj.gov](mailto:Jessica.O'Donnell@usdoj.gov)>; Neumann, Jennifer Scheller (ENRD) <[Jennifer.Neumann@usdoj.gov](mailto:Jennifer.Neumann@usdoj.gov)>; Doyle, Andrew (ENRD) <[Andrew.Doyle@usdoj.gov](mailto:Andrew.Doyle@usdoj.gov)>; Lundman, Robert (ENRD) <[Robert.Lundman@usdoj.gov](mailto:Robert.Lundman@usdoj.gov)>; Gunter, David (ENRD) <[David.Gunter2@usdoj.gov](mailto:David.Gunter2@usdoj.gov)>; [martha.mann@usdoj.gov](mailto:martha.mann@usdoj.gov); Dertke, Daniel (ENRD) <[Daniel.Dertke@usdoj.gov](mailto:Daniel.Dertke@usdoj.gov)>; McCune, Devon Lehman (ENRD) <[Devon.McCune@usdoj.gov](mailto:Devon.McCune@usdoj.gov)>; Lipshultz, Jon (ENRD) <[Jon.Lipshultz@usdoj.gov](mailto:Jon.Lipshultz@usdoj.gov)>; Boyd, Milt HQ02 <[milt.boyd@usace.army.mil](mailto:milt.boyd@usace.army.mil)>; Inkelas, Daniel HQ02 <[Daniel.Inkelas@usace.army.mil](mailto:Daniel.Inkelas@usace.army.mil)>; [David.R.Cooper@usace.army.mil](mailto:David.R.Cooper@usace.army.mil); Bregman, Lauren R CIV USARMY HQDA OGC (US) <[lauren.r.bregman.civ@mail.mil](mailto:lauren.r.bregman.civ@mail.mil)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <[shahara.t.timbrook.mil@mail.mil](mailto:shahara.t.timbrook.mil@mail.mil)>; [Catherine.b.roy.mil@mail.mil](mailto:Catherine.b.roy.mil@mail.mil); [Craig.r.schmauder.civ@mail.mil](mailto:Craig.r.schmauder.civ@mail.mil); McArdle, Kevin (ENRD) <[Kevin.McArdle@usdoj.gov](mailto:Kevin.McArdle@usdoj.gov)>  
**Subject:** RE: Revising WOTUS rule

## AWP/DPP/ Ex. 5

Karyn Wendelowski

Attorney-Advisor

Water Law Office

Office of General Counsel

(202)564-5493

**From:** Dona, Amy (ENRD) [<mailto:Amy.Dona@usdoj.gov>]

**Sent:** Friday, March 17, 2017 10:39 AM

**To:** Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>; O'Donnell, Jessica (ENRD) <[Jessica.O'Donnell@usdoj.gov](mailto:Jessica.O'Donnell@usdoj.gov)>; Neumann, Jennifer Scheller (ENRD) <[Jennifer.Neumann@usdoj.gov](mailto:Jennifer.Neumann@usdoj.gov)>; Doyle, Andrew (ENRD) <[Andrew.Doyle@usdoj.gov](mailto:Andrew.Doyle@usdoj.gov)>; Lundman, Robert (ENRD) <[Robert.Lundman@usdoj.gov](mailto:Robert.Lundman@usdoj.gov)>; Gunter, David (ENRD) <[David.Gunter2@usdoj.gov](mailto:David.Gunter2@usdoj.gov)>; [martha.mann@usdoj.gov](mailto:martha.mann@usdoj.gov); Dertke, Daniel (ENRD) <[Daniel.Dertke@usdoj.gov](mailto:Daniel.Dertke@usdoj.gov)>; McCune, Devon Lehman (ENRD) <[Devon.McCune@usdoj.gov](mailto:Devon.McCune@usdoj.gov)>; Lipshultz, Jon (ENRD) <[Jon.Lipshultz@usdoj.gov](mailto:Jon.Lipshultz@usdoj.gov)>; Boyd, Milt HQ02 <[milt.boyd@usace.army.mil](mailto:milt.boyd@usace.army.mil)>; Inkelas, Daniel HQ02 <[Daniel.Inkelas@usace.army.mil](mailto:Daniel.Inkelas@usace.army.mil)>; [David.R.Cooper@usace.army.mil](mailto:David.R.Cooper@usace.army.mil); Bregman, Lauren R CIV USARMY HQDA OGC (US) <[lauren.r.bregman.civ@mail.mil](mailto:lauren.r.bregman.civ@mail.mil)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)'

<shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil;  
Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <Kevin.McArdle@usdoj.gov>  
**Subject:** RE: Revising WOTUS rule

AWP/DPP/ Ex. 5

**From:** Wendelowski, Karyn [mailto:wendelowski.karyn@epa.gov]  
**Sent:** Friday, March 17, 2017 10:07 AM  
**To:** O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; Doyle, Andrew (ENRD) <ADoyle@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDertke@ENRD.USDOJ.GOV>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>  
**Subject:** RE: Revising WOTUS rule

**AWP/DPP/ Ex. 5**

Karyn Wendelowski

Attorney-Advisor

Water Law Office

Office of General Counsel

(202)564-5493

**From:** O'Donnell, Jessica (ENRD) [mailto:Jessica.O'Donnell@usdoj.gov]  
**Sent:** Thursday, March 16, 2017 3:45 PM  
**To:** Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Doyle, Andrew (ENRD) <Andrew.Doyle@usdoj.gov>; Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Gunter, David (ENRD) <David.Gunter2@usdoj.gov>; Dona, Amy (ENRD) <Amy.Dona@usdoj.gov>; martha.mann@usdoj.gov; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; McCune, Devon Lehman (ENRD) <Devon.McCune@usdoj.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <Kevin.McArdle@usdoj.gov>  
**Subject:** RE: Revising WOTUS rule

## AWP/DPP/ Ex. 5

Jessica O'Donnell

Senior Counsel for Appellate Matters

Environmental Defense Section

202.305.0851

**From:** Neumann, Jennifer Scheller (ENRD)  
**Sent:** Thursday, March 16, 2017 3:07 PM  
**To:** Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Doyle, Andrew (ENRD) <ADoyle@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>;

Dertke, Daniel (ENRD) <[DDertke@ENRD.USDOJ.GOV](mailto:DDertke@ENRD.USDOJ.GOV)>; McCune, Devon Lehman (ENRD) <[DMcCune@ENRD.USDOJ.GOV](mailto:DMcCune@ENRD.USDOJ.GOV)>; Lipshultz, Jon (ENRD) <[JLipshultz@ENRD.USDOJ.GOV](mailto:JLipshultz@ENRD.USDOJ.GOV)>; Boyd, Milt HQ02 <[milt.boyd@usace.army.mil](mailto:milt.boyd@usace.army.mil)>; Inkelas, Daniel HQ02 <[Daniel.Inkelas@usace.army.mil](mailto:Daniel.Inkelas@usace.army.mil)>; [David.R.Cooper@usace.army.mil](mailto:David.R.Cooper@usace.army.mil); Bregman, Lauren R CIV USARMY HQDA OGC (US) <[lauren.r.bregman.civ@mail.mil](mailto:lauren.r.bregman.civ@mail.mil)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <[shahara.t.timbrook.mil@mail.mil](mailto:shahara.t.timbrook.mil@mail.mil)>; [Catherine.b.roy.mil@mail.mil](mailto:Catherine.b.roy.mil@mail.mil); [Craig.r.schmauder.civ@mail.mil](mailto:Craig.r.schmauder.civ@mail.mil); McArdle, Kevin (ENRD) <[KMcArdle@ENRD.USDOJ.GOV](mailto:KMcArdle@ENRD.USDOJ.GOV)>  
**Subject:** RE: Revising WOTUS rule

## AWP/DPP/ Ex. 5

**From:** Wendelowski, Karyn [<mailto:wendelowski.karyn@epa.gov>]  
**Sent:** Thursday, March 16, 2017 1:17 PM  
**To:** Doyle, Andrew (ENRD) <[ADoyle@ENRD.USDOJ.GOV](mailto:ADoyle@ENRD.USDOJ.GOV)>; Lundman, Robert (ENRD) <[RLundman@ENRD.USDOJ.GOV](mailto:RLundman@ENRD.USDOJ.GOV)>; Gunter, David (ENRD) <[DGunter@ENRD.USDOJ.GOV](mailto:DGunter@ENRD.USDOJ.GOV)>; Dona, Amy (ENRD) <[ADona@ENRD.USDOJ.GOV](mailto:ADona@ENRD.USDOJ.GOV)>; O'Donnell, Jessica (ENRD) <[JO'Donnell@ENRD.USDOJ.GOV](mailto:JO'Donnell@ENRD.USDOJ.GOV)>; Mann, Martha (ENRD) <[MMann@ENRD.USDOJ.GOV](mailto:MMann@ENRD.USDOJ.GOV)>; Dertke, Daniel (ENRD) <[DDertke@ENRD.USDOJ.GOV](mailto:DDertke@ENRD.USDOJ.GOV)>; McCune, Devon Lehman (ENRD) <[DMcCune@ENRD.USDOJ.GOV](mailto:DMcCune@ENRD.USDOJ.GOV)>; Lipshultz, Jon (ENRD) <[JLipshultz@ENRD.USDOJ.GOV](mailto:JLipshultz@ENRD.USDOJ.GOV)>; Boyd, Milt HQ02 <[milt.boyd@usace.army.mil](mailto:milt.boyd@usace.army.mil)>; Inkelas, Daniel HQ02 <[Daniel.Inkelas@usace.army.mil](mailto:Daniel.Inkelas@usace.army.mil)>; [David.R.Cooper@usace.army.mil](mailto:David.R.Cooper@usace.army.mil); Bregman, Lauren R CIV USARMY HQDA OGC (US) <[lauren.r.bregman.civ@mail.mil](mailto:lauren.r.bregman.civ@mail.mil)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Neumann, Jennifer Scheller (ENRD) <[JNeumann@ENRD.USDOJ.GOV](mailto:JNeumann@ENRD.USDOJ.GOV)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <[shahara.t.timbrook.mil@mail.mil](mailto:shahara.t.timbrook.mil@mail.mil)>; [Catherine.b.roy.mil@mail.mil](mailto:Catherine.b.roy.mil@mail.mil); [Craig.r.schmauder.civ@mail.mil](mailto:Craig.r.schmauder.civ@mail.mil); McArdle, Kevin (ENRD) <[KMcArdle@ENRD.USDOJ.GOV](mailto:KMcArdle@ENRD.USDOJ.GOV)>  
**Subject:** Revising WOTUS rule

## AWP/DPP/ Ex. 5

Thanks,

Karyn

**To:** Kupchan, Simma[Kupchan.Simma@epa.gov]  
**From:** Wendelowski, Karyn  
**Sent:** Fri 3/17/2017 3:16:27 PM  
**Subject:** RE: Revising WOTUS rule

**AWP/DPP/ Ex. 5**

Karyn Wendelowski  
Attorney-Advisor  
Water Law Office  
Office of General Counsel  
(202)564-5493

**From:** Kupchan, Simma  
**Sent:** Friday, March 17, 2017 10:45 AM  
**To:** Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** RE: Revising WOTUS rule

**AWP/DPP/ Ex. 5**

Personal Phone / Ex. 6 AWP/DPP/ Ex. 5

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

**From:** Wendelowski, Karyn  
**Sent:** Friday, March 17, 2017 10:45 AM  
**To:** Dona, Amy (ENRD) <Amy.Dona@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; Doyle, Andrew (ENRD) <Andrew.Doyle@usdoj.gov>; Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Gunter, David (ENRD) <David.Gunter2@usdoj.gov>; martha.mann@usdoj.gov; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; McCune, Devon Lehman (ENRD) <Devon.McCune@usdoj.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <Kevin.McArdle@usdoj.gov>  
**Subject:** RE: Revising WOTUS rule

**AWP/DPP/ Ex. 5**

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<lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <Kevin.McArdle@usdoj.gov>  
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**Subject:** Revising WOTUS rule

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**From:** Wendelowski, Karyn  
**Sent:** Fri 3/17/2017 2:44:30 PM  
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**Sent:** Friday, March 17, 2017 10:07 AM

**To:** O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; Doyle, Andrew (ENRD) <ADoyle@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDertke@ENRD.USDOJ.GOV>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>

**Subject:** RE: Revising WOTUS rule

## AWP/DPP/ Ex. 5

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**From:** O'Donnell, Jessica (ENRD) [mailto:Jessica.O'Donnell@usdoj.gov]

**Sent:** Thursday, March 16, 2017 3:45 PM

**To:** Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Doyle, Andrew (ENRD) <Andrew.Doyle@usdoj.gov>; Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Gunter, David (ENRD) <David.Gunter2@usdoj.gov>; Dona, Amy (ENRD) <Amy.Dona@usdoj.gov>; martha.mann@usdoj.gov; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; McCune, Devon Lehman (ENRD) <Devon.McCune@usdoj.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <Kevin.McArdle@usdoj.gov>

**Subject:** RE: Revising WOTUS rule

## AWP/DPP/ Ex. 5

Jessica O'Donnell  
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202.305.0851

**From:** Neumann, Jennifer Scheller (ENRD)

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**Subject:** RE: Revising WOTUS rule

## AWP/DPP/ Ex. 5

**From:** Wendelowski, Karyn [<mailto:wendelowski.karyn@epa.gov>]

**Sent:** Thursday, March 16, 2017 1:17 PM

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**Subject:** Revising WOTUS rule

# AWP/DPP/ Ex. 5

Thanks,

Karyn

**To:** O'Donnell, Jessica (ENRD)[Jessica.O'Donnell@usdoj.gov]; Neumann, Jennifer Scheller (ENRD)[Jennifer.Neumann@usdoj.gov]; Doyle, Andrew (ENRD)[Andrew.Doyle@usdoj.gov]; Lundman, Robert (ENRD)[Robert.Lundman@usdoj.gov]; Gunter, David (ENRD)[David.Gunter2@usdoj.gov]; Dona, Amy (ENRD)[Amy.Dona@usdoj.gov]; martha.mann@usdoj.gov[Martha.Mann@usdoj.gov]; Dertke, Daniel (ENRD)[Daniel.Dertke@usdoj.gov]; McCune, Devon Lehman (ENRD)[Devon.McCune@usdoj.gov]; Lipshultz, Jon (ENRD)[Jon.Lipshultz@usdoj.gov]; Boyd, Milt HQ02[milt.boyd@usace.army.mil]; Inkelas, Daniel HQ02[Daniel.Inkelas@usace.army.mil]; David.R.Cooper@usace.army.mil[David.R.Cooper@usace.army.mil]; Bregman, Lauren R CIV USARMY HQDA OGC (US)[lauren.r.bregman.civ@mail.mil]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)'[shahara.t.timbrook.mil@mail.mil]; Catherine.b.roy.mil@mail.mil[Catherine.b.roy.mil@mail.mil]; Craig.r.schmauder.civ@mail.mil[Craig.r.schmauder.civ@mail.mil]; McArdle, Kevin (ENRD)[Kevin.McArdle@usdoj.gov]  
**From:** Wendelowski, Karyn  
**Sent:** Fri 3/17/2017 2:06:31 PM  
**Subject:** RE: Revising WOTUS rule

## AWP/DPP/ Ex. 5

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**From:** O'Donnell, Jessica (ENRD) [mailto:Jessica.O'Donnell@usdoj.gov]  
**Sent:** Thursday, March 16, 2017 3:45 PM  
**To:** Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Doyle, Andrew (ENRD) <Andrew.Doyle@usdoj.gov>; Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Gunter, David (ENRD) <David.Gunter2@usdoj.gov>; Dona, Amy (ENRD) <Amy.Dona@usdoj.gov>; martha.mann@usdoj.gov; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; McCune, Devon Lehman (ENRD) <Devon.McCune@usdoj.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <Kevin.McArdle@usdoj.gov>  
**Subject:** RE: Revising WOTUS rule

## AWP/DPP/ Ex. 5

Jessica O'Donnell  
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**From:** Neumann, Jennifer Scheller (ENRD)  
**Sent:** Thursday, March 16, 2017 3:07 PM  
**To:** Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Doyle, Andrew (ENRD) <ADoyle@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDertke@ENRD.USDOJ.GOV>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil;

**Subject:** RE: Revising WOTUS rule

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**Subject:** Revising WOTUS rule

# AWP/DPP/ Ex. 5

Thanks,

Karyn

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**From:** O'Donnell, Jessica (ENRD)  
**Sent:** Thur 3/16/2017 7:51:08 PM  
**Subject:** RE: Revising WOTUS rule

Here is a call-in number.

Call in:   
Code:  Nonresponsive Conference Code/ Ex. 6

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Senior Counsel for Appellate Matters  
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---

**From:** Neumann, Jennifer Scheller (ENRD)  
**Sent:** Thursday, March 16, 2017 3:07 PM  
**To:** Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Doyle, Andrew (ENRD) <ADoyle@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDertke@ENRD.USDOJ.GOV>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>  
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**AWP/DPP/ Ex. 5**

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**Subject:** Revising WOTUS rule

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Karyn

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**From:** O'Donnell, Jessica (ENRD)  
**Sent:** Thur 3/16/2017 7:44:36 PM  
**Subject:** RE: Revising WOTUS rule

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Jessica O'Donnell  
Senior Counsel for Appellate Matters  
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**From:** Neumann, Jennifer Scheller (ENRD)

**Sent:** Thursday, March 16, 2017 3:07 PM

**To:** Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Doyle, Andrew (ENRD) <ADoyle@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDertke@ENRD.USDOJ.GOV>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>

**Subject:** RE: Revising WOTUS rule

# AWP/DPP/ Ex. 5

**From:** Wendelowski, Karyn [mailto:wendelowski.karyn@epa.gov]

**Sent:** Thursday, March 16, 2017 1:17 PM

**To:** Doyle, Andrew (ENRD) <ADoyle@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDertke@ENRD.USDOJ.GOV>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>

**Subject:** Revising WOTUS rule

# AWP/DPP/ Ex. 5

Thanks,

Karyn

**To:** Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Doyle, Andrew (ENRD)[Andrew.Doyle@usdoj.gov]; Lundman, Robert (ENRD)[Robert.Lundman@usdoj.gov]; Gunter, David (ENRD)[David.Gunter2@usdoj.gov]; Dona, Amy (ENRD)[Amy.Dona@usdoj.gov]; O'Donnell, Jessica (ENRD)[Jessica.O'Donnell@usdoj.gov]; martha.mann@usdoj.gov[Martha.Mann@usdoj.gov]; Dertke, Daniel (ENRD)[Daniel.Dertke@usdoj.gov]; McCune, Devon Lehman (ENRD)[Devon.McCune@usdoj.gov]; Lipshultz, Jon (ENRD)[Jon.Lipshultz@usdoj.gov]; Boyd, Milt HQ02[milt.boyd@usace.army.mil]; Inkelas, Daniel HQ02[Daniel.Inkelas@usace.army.mil]; David.R.Cooper@usace.army.mil[David.R.Cooper@usace.army.mil]; Bregman, Lauren R CIV USARMY HQDA OGC (US)[lauren.r.bregman.civ@mail.mil]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)'[shahara.t.timbrook.mil@mail.mil]; Catherine.b.roy.mil@mail.mil[Catherine.b.roy.mil@mail.mil]; Craig.r.schmauder.civ@mail.mil[Craig.r.schmauder.civ@mail.mil]; McArdle, Kevin (ENRD)[Kevin.McArdle@usdoj.gov]  
**From:** Neumann, Jennifer Scheller (ENRD)  
**Sent:** Thur 3/16/2017 7:07:15 PM  
**Subject:** RE: Revising WOTUS rule

**AWP/DPP/ Ex. 5**

**From:** Wendelowski, Karyn [mailto:wendelowski.karyn@epa.gov]  
**Sent:** Thursday, March 16, 2017 1:17 PM  
**To:** Doyle, Andrew (ENRD) <ADoyle@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDertke@ENRD.USDOJ.GOV>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>  
**Subject:** Revising WOTUS rule

**AWP/DPP/ Ex. 5**

Thanks,  
  
Karyn

**To:** Doyle, Andrew (ENRD)[Andrew.Doyle@usdoj.gov]; Lundman, Robert (ENRD)[Robert.Lundman@usdoj.gov]; Gunter, David (ENRD)[David.Gunter2@usdoj.gov]; Dona, Amy (ENRD)[Amy.Dona@usdoj.gov]; O'Donnell, Jessica (ENRD)[Jessica.O'Donnell@usdoj.gov]; martha.mann@usdoj.gov[Martha.Mann@usdoj.gov]; Dertke, Daniel (ENRD)[Daniel.Dertke@usdoj.gov]; McCune, Devon Lehman (ENRD)[Devon.McCune@usdoj.gov]; Lipshultz, Jon (ENRD)[Jon.Lipshultz@usdoj.gov]; Boyd, Milt HQ02[milt.boyd@usace.army.mil]; Inkelas, Daniel HQ02[Daniel.Inkelas@usace.army.mil]; David.R.Cooper@usace.army.mil[David.R.Cooper@usace.army.mil]; Bregman, Lauren R CIV USARMY HQDA OGC (US)[lauren.r.bregman.civ@mail.mil]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Neumann, Jennifer Scheller (ENRD)[Jennifer.Neumann@usdoj.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)[shahara.t.timbrook.mil@mail.mil]; Catherine.b.roy.mil@mail.mil[Catherine.b.roy.mil@mail.mil]; Craig.r.schmauder.civ@mail.mil[Craig.r.schmauder.civ@mail.mil]; McArdle, Kevin (ENRD)[Kevin.McArdle@usdoj.gov]  
**From:** Wendelowski, Karyn  
**Sent:** Thur 3/16/2017 5:16:58 PM  
**Subject:** Revising WOTUS rule  
[Rapanos excerpts.doc](#)

# AWP/DPP/ Ex. 5

Thanks,

Karyn

**To:** Kupchan, Simma[Kupchan.Simma@epa.gov]  
**Cc:** Wehling, Carrie[Wehling.Carrie@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]  
**From:** Neugeboren, Steven[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]  
**Sent:** Fri 3/24/2017 8:58:27 PM (UTC)  
**Subject:** RE: draft econ framework for rule

## Attorney Client / Deliberative Process / Ex. 5

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
Environmental Protection Agency  
202-564-5488

**From:** Kupchan, Simma  
**Sent:** Friday, March 24, 2017 3:27 PM  
**To:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Cc:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** RE: draft econ framework for rule

Hi Steve,

## Attorney Client / Deliberative Process / Ex. 5

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

**From:** Neugeboren, Steven  
**Sent:** Friday, March 24, 2017 12:17 PM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>  
**Subject:** RE: draft econ framework for rule

## Attorney Client / Deliberative Process / Ex. 5

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
Environmental Protection Agency  
202-564-5488

**From:** Eisenberg, Mindy  
**Sent:** Friday, March 24, 2017 10:41 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Cc:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>  
**Subject:** RE: draft econ framework for rule

## Attorney Client / Deliberative Process / Ex. 5

# Attorney Client / Deliberative Process / Ex. 5

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

**From:** Kupchan, Simma  
**Sent:** Friday, March 24, 2017 10:31 AM  
**To:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>  
**Cc:** Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>  
**Subject:** RE: draft econ framework for rule

Thanks, Steve.

# Attorney Client / Deliberative Process / Ex. 5

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

**From:** Neugeboren, Steven  
**Sent:** Friday, March 24, 2017 9:43 AM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Cc:** McGartland, Al <[McGartland.Al@epa.gov](mailto:McGartland.Al@epa.gov)>; Nickerson, William <[Nickerson.William@epa.gov](mailto:Nickerson.William@epa.gov)>; Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>; Peck, Gregory <[Peck.Gregory@epa.gov](mailto:Peck.Gregory@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>; Campbell, Ann <[Campbell.Ann@epa.gov](mailto:Campbell.Ann@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>; Downing, Donna <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>; Hewitt, Julie <[Hewitt.Julie@epa.gov](mailto:Hewitt.Julie@epa.gov)>; Doley, Todd <[Doley.Todd@epa.gov](mailto:Doley.Todd@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>; Schroer, Lee <[schroer.lee@epa.gov](mailto:schroer.lee@epa.gov)>  
**Subject:** Re: draft econ framework for rule

Mindy, Attorney Client / Deliberative Process / Ex. 5

# Attorney Client / Deliberative Process / Ex. 5

# Attorney Client / Deliberative Process / Ex. 5

Happy to discuss today.

Sent from my iPhone

Steven Neugeboren  
Associate General Counsel  
United States Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington DC. 20460  
202-564-5488

On Mar 23, 2017, at 8:50 PM, Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)> wrote:

Al and Bill,

Sorry for the delay. Attached is a draft as we discussed on Tuesday. A couple of points:

# Attorney Client / Deliberative Process / Ex. 5

Thanks,  
Mindy

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

<Proposed Framework for Economic Analysis for New WOTUS Proposed Rule v3.docx>

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**Cc:** Kupchan, Simma[Kupchan.Simma@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]  
**From:** Neugeboren, Steven  
**Sent:** Sun 3/19/2017 10:29:27 PM  
**Subject:** RE: email

Deliberative Process / ACP Ex. 5

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
Environmental Protection Agency  
202-564-5488

**From:** Minoli, Kevin  
**Sent:** Sunday, March 19, 2017 6:26 PM  
**To:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Cc:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** Re: email

# Deliberative Process / ACP Ex. 5

Thanks so much, Kevin

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 6:09 PM, Neugeboren, Steven <Neugeboren.Steven@epa.gov> wrote:

Kevin – revised draft below.

Deliberative Process / ACP Ex. 5

## Deliberative Process / ACP Ex. 5

Can someone please reply to confirm receipt. I'm having some connectivity issues.

*Predecisional/Attorney-Client Privileged*

# Attorney Client / Ex. 5

# Attorney Client / Ex. 5

**Attorney Client / Ex. 5**

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
Environmental Protection Agency  
202-564-5488

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**Cc:** Kupchan, Simma[Kupchan.Simma@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]  
**From:** Neugeboren, Steven  
**Sent:** Sun 3/19/2017 10:28:05 PM  
**Subject:** RE: email

Thanks Kevin. Will do. See y'all tomorrow.

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
Environmental Protection Agency  
202-564-5488

**From:** Minoli, Kevin  
**Sent:** Sunday, March 19, 2017 6:26 PM  
**To:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Cc:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** Re: email

# Deliberative Process / Attorney Client Ex. 5

Thanks so much, Kevin

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 6:09 PM, Neugeboren, Steven <Neugeboren.Steven@epa.gov> wrote:

Kevin – revised draft below.

**Deliberative Process / ACP Ex. 5**

## Deliberative Process / ACP Ex. 5

Can someone please reply to confirm receipt. I'm having some connectivity issues.

*Predecisional/Attorney-Client Privileged*

# Deliberative Process / Attorney Client Ex. 5

# **Deliberative Process / Attorney Client Ex. 5**

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
Environmental Protection Agency  
202-564-5488

**To:** Neugeboren, Steven[Neugeboren.Steven@epa.gov]  
**Cc:** Kupchan, Simma[Kupchan.Simma@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]  
**From:** Minoli, Kevin  
**Sent:** Sun 3/19/2017 10:14:43 PM  
**Subject:** Re: email

I confirm

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 6:09 PM, Neugeboren, Steven <Neugeboren.Steven@epa.gov> wrote:

Kevin – revised draft below:

**Deliberative Process / Attorney Client Ex. 5**

**Deliberative Process / Attorney Client Ex. 5**

Can someone please reply to confirm receipt. I'm having some connectivity issues.

*Predecisional/Attorney-Client Privileged*

**Deliberative Process / Attorney Client Ex. 5**

# **Deliberative Process / Attorney Client Ex. 5**

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
Environmental Protection Agency  
202-564-5488

**From:** Angela.Owens@usdoj.gov  
**Location:** RFK 2143 - Call in [Nonresponsive Conference Code/ Ex. 6]  
**Importance:** Normal  
**Subject:** Options for Revising WOTUS Rule  
**Start Time:** Fri 3/17/2017 7:00:00 PM  
**End Time:** Fri 3/17/2017 8:00:00 PM  
**Required Attendees:** Kupchan, Simma

All visitors to the Robert F. Kennedy Justice Department Building must enter via the Constitution Avenue center entrance located between 9<sup>th</sup> & 10<sup>th</sup> Streets, NW and will need to show a photo ID.

**Leader PIN:** [Nonresponsive Conference Code/ Ex. 6]

**To:** Wendelowski, Karyn[wendelowski.karyn@epa.gov]  
**From:** Kupchan, Simma[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=784E0AEA94A7485FA0435CC0CF5A62A5-SASHER]  
**Sent:** Tue 6/6/2017 8:56:10 PM (UTC)  
**Subject:** RE: **Deliberative Process / Ex. 5**

## Attorney Client / Deliberative Process / Ex. 5

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

**From:** Wendelowski, Karyn  
**Sent:** Tuesday, June 06, 2017 4:54 PM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Cc:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>  
**Subject:** Re: **Deliberative Process / Ex. 5**

## Attorney Client / Deliberative Process / Ex. 5

Karyn Wendelowski  
Attorney Advisor  
Office of General Counsel  
(202) 564-5493

On Jun 6, 2017, at 4:28 PM, Eisenberg, Mindy <Eisenberg.Mindy@epa.gov> wrote:

### Attorney Client / Deliberative Process / Ex. 5

Mindy Eisenberg  
Acting Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

**From:** Wehling, Carrie  
**Sent:** Tuesday, June 06, 2017 4:28 PM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>  
**Subject:** RE: **Deliberative Process / Ex. 5**

### Attorney Client / Deliberative Process / Ex. 5

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492

---

**From:** Eisenberg, Mindy

**Sent:** Tuesday, June 06, 2017 4:16 PM

**To:** Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wiggins, Lanelle <[Wiggins.Lanelle@epa.gov](mailto:Wiggins.Lanelle@epa.gov)>; Owens, Nicole <[Owens.Nicole@epa.gov](mailto:Owens.Nicole@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>; Hewitt, Julie <[Hewitt.Julie@epa.gov](mailto:Hewitt.Julie@epa.gov)>

**Subject:** RE: **Deliberative Process / Ex. 5**

## Attorney Client / Deliberative Process / Ex. 5

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

---

**From:** Wehling, Carrie

**Sent:** Tuesday, June 06, 2017 4:14 PM

**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Wiggins, Lanelle <[Wiggins.Lanelle@epa.gov](mailto:Wiggins.Lanelle@epa.gov)>; Owens, Nicole <[Owens.Nicole@epa.gov](mailto:Owens.Nicole@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>; Hewitt, Julie <[Hewitt.Julie@epa.gov](mailto:Hewitt.Julie@epa.gov)>

**Subject:** RE: **Deliberative Process / Ex. 5**

## Attorney Client / Deliberative Process / Ex. 5

Caroline (Carrie) Wehling

Assistant General Counsel

Water Law Office

U.S. Environmental Protection Agency

Washington DC 20004

202-564-5492

[wehling.carrie@epa.gov](mailto:wehling.carrie@epa.gov)

---

**From:** Kupchan, Simma

**Sent:** Tuesday, June 06, 2017 4:03 PM

**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Wiggins, Lanelle <[Wiggins.Lanelle@epa.gov](mailto:Wiggins.Lanelle@epa.gov)>; Owens, Nicole <[Owens.Nicole@epa.gov](mailto:Owens.Nicole@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>; Hewitt, Julie <[Hewitt.Julie@epa.gov](mailto:Hewitt.Julie@epa.gov)>

**Subject:** RE: **Deliberative Process / Ex. 5**

## Attorney Client / Deliberative Process / Ex. 5

Simma Kupchan

Water Law Office

US EPA Office of General Counsel

William Jefferson Clinton Building North Room 7426Q

(p) 202-564-3105

---

**From:** Eisenberg, Mindy

**Sent:** Tuesday, June 06, 2017 3:06 PM

To: Wiggins, Lanelle <[Wiggins.Lanelle@epa.gov](mailto:Wiggins.Lanelle@epa.gov)>; Owens, Nicole <[Owens.Nicole@epa.gov](mailto:Owens.Nicole@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>; Hewitt, Julie <[Hewitt.Julie@epa.gov](mailto:Hewitt.Julie@epa.gov)>

Subject: **Deliberative Process / Ex. 5**

Importance: High

## Attorney Client / Deliberative Process / Ex. 5

Mindy Eisenberg  
Acting Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

**To:** Wehling, Carrie[Wehling.Carrie@epa.gov]  
**From:** Kupchan, Simma[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=784E0AEA94A7485FA0435CC0CF5A62A5-SASHER]  
**Sent:** Tue 5/30/2017 3:49:04 PM (UTC)  
**Subject:** RE: Responding to OMB Step 1 proposal comments

## Deliberative Process / Attorney Client / Ex. 5

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

**From:** Wehling, Carrie  
**Sent:** Tuesday, May 30, 2017 11:48 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Subject:** RE: Responding to OMB Step 1 proposal comments

## Deliberative Process / Attorney Client / Ex. 5

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
[wehling.carrie@epa.gov](mailto:wehling.carrie@epa.gov)

**From:** Neugeboren, Steven  
**Sent:** Tuesday, May 30, 2017 10:58 AM  
**To:** Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>  
**Subject:** RE: Responding to OMB Step 1 proposal comments

## Attorney Client / Deliberative Process / Ex. 5

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
Environmental Protection Agency  
202-564-5488

**From:** Wehling, Carrie  
**Sent:** Tuesday, May 30, 2017 8:53 AM  
**To:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>  
**Subject:** FW: Responding to OMB Step 1 proposal comments

## Attorney Client / Deliberative Process / Ex. 5

Thoughts?

Carrie

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
[wehling.carrie@epa.gov](mailto:wehling.carrie@epa.gov)

**From:** Greenwalt, Sarah

**Sent:** Tuesday, May 30, 2017 7:52 AM

**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>; Peck, Gregory <[Peck.Gregory@epa.gov](mailto:Peck.Gregory@epa.gov)>; Campbell, Ann <[Campbell.Ann@epa.gov](mailto:Campbell.Ann@epa.gov)>; Orvin, Chris <[Orvin.Chris@epa.gov](mailto:Orvin.Chris@epa.gov)>; Lamont, Douglas W SES (US) <[douglas.w.lamont2.civ@mail.mil](mailto:douglas.w.lamont2.civ@mail.mil)>; Schmauder, Craig R SES (US) <[craig.r.schmauder.civ@mail.mil](mailto:craig.r.schmauder.civ@mail.mil)>; Cindy Barger <[cindy.s.barger.civ@mail.mil](mailto:cindy.s.barger.civ@mail.mil)>; Jensen, Stacey M CIV USARMY HQDA (US) <[Stacey.M.Jensen@usace.army.mil](mailto:Stacey.M.Jensen@usace.army.mil)>; [jennifer.a.moyer@usace.army.mil](mailto:jennifer.a.moyer@usace.army.mil); [David.F.Dale@usace.army.mil](mailto:David.F.Dale@usace.army.mil); Cooper, David R SES USARMY CEHQ (US) <[David.R.Cooper@usace.army.mil](mailto:David.R.Cooper@usace.army.mil)>; Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Downing, Donna <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; McGartland, Al <[McGartland.Al@epa.gov](mailto:McGartland.Al@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>; Hewitt, Julie <[Hewitt.Julie@epa.gov](mailto:Hewitt.Julie@epa.gov)>; Nickerson, William <[Nickerson.William@epa.gov](mailto:Nickerson.William@epa.gov)>; Adamson, Joseph <[adamson.joseph@epa.gov](mailto:adamson.joseph@epa.gov)>

**Cc:** Dominguez, Alexander <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>

**Subject:** RE: Responding to OMB Step 1 proposal comments

Mindy,

Thanks to you and the team for all of the hard work on the proposal

**Deliberative Process / Ex. 5**

## **Deliberative Process / Attorney Client / Ex. 5**

Thanks again.

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722 | Cell: **Personal Phone / Ex. 6**

[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

**From:** Eisenberg, Mindy

**Sent:** Friday, May 26, 2017 10:21 AM

**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>; Peck, Gregory <[Peck.Gregory@epa.gov](mailto:Peck.Gregory@epa.gov)>; Campbell, Ann <[Campbell.Ann@epa.gov](mailto:Campbell.Ann@epa.gov)>; Orvin, Chris <[Orvin.Chris@epa.gov](mailto:Orvin.Chris@epa.gov)>; Lamont, Douglas W SES (US) <[douglas.w.lamont2.civ@mail.mil](mailto:douglas.w.lamont2.civ@mail.mil)>; Schmauder, Craig R SES (US) <[craig.r.schmauder.civ@mail.mil](mailto:craig.r.schmauder.civ@mail.mil)>; Cindy Barger <[cindy.s.barger.civ@mail.mil](mailto:cindy.s.barger.civ@mail.mil)>; Jensen, Stacey M CIV USARMY HQDA (US) <[Stacey.M.Jensen@usace.army.mil](mailto:Stacey.M.Jensen@usace.army.mil)>; [jennifer.a.moyer@usace.army.mil](mailto:jennifer.a.moyer@usace.army.mil); [David.F.Dale@usace.army.mil](mailto:David.F.Dale@usace.army.mil); Cooper, David R SES USARMY CEHQ (US) <[David.R.Cooper@usace.army.mil](mailto:David.R.Cooper@usace.army.mil)>; Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Downing, Donna <[Downing.Donna@epa.gov](mailto:Downing.Donna@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Wendelowski, Karyn

<wendelowski.karyn@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>;  
McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Nickerson, William  
<Nickerson.William@epa.gov>; Adamson, Joseph <adamson.joseph@epa.gov>

**Subject:** Responding to OMB Step 1 proposal comments

All,

EPA/Corps/Army staff have reviewed the interagency comments and have addressed most of those comments (see attached which shows comments and track-changes.) There are four key issues that we are raising for senior leadership attention and guidance. We've summarized each outstanding issue, plus our recommended approach to addressing each issue. Please let me know how folks would like to handle these issues and we will work with OP to transmit the marked up document back to OMB. Also, OMB offered a meeting with DOJ if needed, so please let me know if this is of interest.

Thanks

**Attorney Client / Deliberative Process / Ex. 5**

# **Attorney Client / Deliberative Process / Ex. 5**

# Attorney Client / Deliberative Process / Ex. 5

Mindy Eisenberg  
Acting Director, Wetlands Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4502T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

**To:** Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]  
**Cc:** Wehling, Carrie[Wehling.Carrie@epa.gov]; Witt, Richard[Witt.Richard@epa.gov]  
**From:** Kupchan, Simma  
**Sent:** Fri 5/26/2017 5:07:48 AM  
**Subject:** RE: Clean Water Rule (S. Ct.)  
ENV DEFENSE-#806778-v1-CLEAN WATER RULE (proof format) ENRD draft Brief for Respondent (re-started\_late\_May\_15) sak.DOCM

Here are my edits. Thanks!

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** Wendelowski, Karyn  
**Sent:** Tuesday, May 23, 2017 8:28 AM  
**To:** Levine, MaryEllen <levine.maryellen@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Subject:** Fwd: Clean Water Rule (S. Ct.)

Hi MEL and Simma - Please send me any comments by Thursday night and I'll consolidate EPA comments Friday.

Thanks,

Karyn

Karyn Wendelowski  
Attorney Advisor  
Office of General Counsel  
(202) 564-5493  
Begin forwarded message:

**From:** "Doyle, Andrew (ENRD)" <Andrew.Doyle@usdoj.gov>  
**Date:** May 22, 2017 at 9:59:31 PM EDT  
**To:** "Dona, Amy (ENRD)" <Amy.Dona@usdoj.gov>, "O'Donnell, Jessica (ENRD)" <Jessica.O'Donnell@usdoj.gov>, "Mann, Martha (ENRD)" <Martha.Mann@usdoj.gov>, "Dertke, Daniel (ENRD)" <Daniel.Dertke@usdoj.gov>, "McCune, Devon Lehman (ENRD)" <Devon.McCune@usdoj.gov>, "Lipshultz, Jon (ENRD)" <Jon.Lipshultz@usdoj.gov>, "Boyd, Milt HQ02" <milt.boyd@usace.army.mil>, "Inkelas, Daniel HQ02" <Daniel.Inkelas@usace.army.mil>, "David.R.Cooper@usace.army.mil" <David.R.Cooper@usace.army.mil>, "Bregman, Lauren R CIV USARMY HQDA OGC (US)" <lauren.r.bregman.civ@mail.mil>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Wendelowski, Karyn" <wendelowski.karyn@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, "Neumann, Jennifer Scheller (ENRD)" <Jennifer.Neumann@usdoj.gov>, "Lundman, Robert (ENRD)" <Robert.Lundman@usdoj.gov>, "Kupchan, Simma" <Kupchan.Simma@epa.gov>, "Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)" <shahara.t.timbrook.mil@mail.mil>, "Catherine.b.roy.mil@mail.mil" <Catherine.b.roy.mil@mail.mil>, "Gunter, David (ENRD)" <David.Gunter2@usdoj.gov>, "Craig.r.schmauder.civ@mail.mil" <Craig.r.schmauder.civ@mail.mil>, "McArdle, Kevin (ENRD)" <Kevin.McArdle@usdoj.gov>  
**Subject:** RE: Clean Water Rule (S. Ct.)

attorney-client privilege; attorney work product; do not disclose

Thank you all for your patience – a draft S. Ct. brief is attached.

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Comments, please, by **COB this Thursday, May 25** (or, if you need the morning of Friday, May 26, that is okay too). I will then circulate a revised draft on or about the Tuesday after Memorial Day weekend.

---

**From:** Doyle, Andrew (ENRD)

**Sent:** Wednesday, May 17, 2017 11:46 PM

**To:** Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDERTKE@enrd.usdoj.gov>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; 'Boyd, Milt HQ02' <milt.boyd@usace.army.mil>; 'Inkelas, Daniel HQ02' <Daniel.Inkelas@usace.army.mil>; 'David.R.Cooper@usace.army.mil' <David.R.Cooper@usace.army.mil>; 'Bregman, Lauren R CIV USARMY HQDA OGC (US)' <lauren.r.bregman.civ@mail.mil>; 'Neugeboren, Steven' <Neugeboren.Steven@epa.gov>; 'Wendelowski, Karyn' <wendelowski.karyn@epa.gov>; 'Wehling, Carrie' <Wehling.Carrie@epa.gov>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLUNDMAN@enrd.usdoj.gov>; 'Kupchan, Simma' <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; 'Catherine.b.roy.mil@mail.mil' <Catherine.b.roy.mil@mail.mil>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; 'Craig.r.schmauder.civ@mail.mil' <Craig.r.schmauder.civ@mail.mil>; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>

**Subject:** RE: Clean Water Rule (S. Ct.)

Update: I am a bit behind and now expect to circulate a draft by 5/22 with comments due by 5/26. The Court granted us an extension thru 7/28.

---

**From:** Doyle, Andrew (ENRD)

**Sent:** Monday, May 08, 2017 1:01 PM

**To:** Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDERTKE@enrd.usdoj.gov>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; 'Boyd, Milt HQ02' <milt.boyd@usace.army.mil>; 'Inkelas, Daniel HQ02' <Daniel.Inkelas@usace.army.mil>; 'David.R.Cooper@usace.army.mil' <David.R.Cooper@usace.army.mil>; 'Bregman, Lauren R CIV USARMY HQDA OGC (US)' <lauren.r.bregman.civ@mail.mil>; 'Neugeboren, Steven' <Neugeboren.Steven@epa.gov>; 'Wendelowski, Karyn' <wendelowski.karyn@epa.gov>; 'Wehling, Carrie' <Wehling.Carrie@epa.gov>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; 'Kupchan, Simma' <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; 'Catherine.b.roy.mil@mail.mil' <Catherine.b.roy.mil@mail.mil>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; 'Craig.r.schmauder.civ@mail.mil' <Craig.r.schmauder.civ@mail.mil>; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>

**Subject:** RE: Clean Water Rule (S. Ct.)

Hello,

Since I sent you five opening briefs seeking reversal, an amicus brief supporting petitioners was filed (attached).

Right now, we are hoping to send you a draft for review the morning of 5/18 with comments due by cob on 5/22.

**Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Thanks!

-Andy Doyle

(202) 514-4427

andrew.doyle@usdoj.gov

**To:** James Bove[Bove.James@epa.gov]  
**Cc:** Cope, Clayton[cope.clayton@epa.gov]  
**From:** Kupchan, Simma[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=784E0AEA94A7485FA0435CC0CF5A62A5-SASHER]  
**Sent:** Tue 5/23/2017 3:39:03 PM (UTC)  
**Subject:** Deliberative Process / Attorney Client / Ex. 5

**Deliberative Process / Attorney Client / Ex. 5**

Hi Jim,

**Deliberative Process / Attorney Client / Ex. 5**

Thanks for

your help!

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

**To:** James Bove[Bove.James@epa.gov]  
**From:** Kupchan, Simma[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=784E0AEA94A7485FA0435CC0CF5A62A5-SASHER]  
**Sent:** Mon 5/22/2017 8:36:13 PM (UTC)  
**Subject:** Deliberative Process / Attorney Client / Ex. 5

**Deliberative Process / Attorney Client / Ex. 5**

Hi Jim,

# Deliberative Process / Attorney Client Ex. 5

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

**From:** Kupchan, Simma[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=784E0AEA94A7485FA0435CC0CF5A62A5-SASHER]  
**Location:** DCRoomARN7346/DC-Ariel-Rios-OGC; Call in: **Nonresponsive Conference Code/ Ex. 6**  
**Importance:** Normal  
**Subject:** Fed Reg Prep for WOTUS  
**Start Time:** Thur 5/25/2017 5:30:00 PM (UTC)  
**End Time:** Thur 5/25/2017 6:00:00 PM (UTC)  
**Required Attendees:** Thomas, Elizabeth; Evalenko, Sandy; Kwok, Rose  
**Optional Attendees:** Owens, Nicole; Wendelowski, Karyn; Eisenberg, MindyNurse, Leanne; Nelson, Tomeka  
[FRL-9962-34-OW Elizabeth Thomas.docx](#)

Deliberative Process / Attorney Client / Ex. 5

**Deliberative Process / Attorney Client / Ex. 5** Thanks.

**To:** Steven Neugeboren[Neugeboren.Steven@epa.gov]; Carrie Wehling[Wehling.Carrie@epa.gov]  
**Cc:** Wendelowski, Karyn[wendelowski.karyn@epa.gov]  
**From:** Kupchan, Simma[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=784E0AEA94A7485FA0435CC0CF5A62A5-SASHER]  
**Sent:** Wed 4/26/2017 7:08:27 PM (UTC)  
**Subject:** Attorney Client / Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

All,

# Attorney Client / Deliberative Process / Ex. 5

Thanks in advance for your input,

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

**To:** Downing, Donna[Downing.Donna@epa.gov]  
**From:** Kupchan, Simma[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=784E0AEA94A7485FA0435CC0CF5A62A5-SASHER]  
**Sent:** Thur 4/20/2017 8:44:03 PM (UTC)  
**Subject:** RE: revised preamble  
WOTUS-2 Step 1 working preamble 4-19-17 sak.docx

## Attorney Client / Deliberative Process / Ex. 5

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** Downing, Donna  
**Sent:** Thursday, April 20, 2017 4:40 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Subject:** RE: revised preamble

Thanks, Simma.

Attorney Client / Deliberative Process / Ex. 5

## Attorney Client / Deliberative Process / Ex. 5

I'm out tomorrow and on business travel Mo-Wed. I will, however, be in email and teleconference touch through much of Monday and Wednesday. Looking forward to hearing how the internal OGC conversations go!

Donna

---

**From:** Kupchan, Simma  
**Sent:** Thursday, April 20, 2017 4:14 PM  
**To:** Downing, Donna <Downing.Donna@epa.gov>  
**Subject:** revised preamble

Hi Donna,

## Attorney Client / Deliberative Process / Ex. 5

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

**To:** Hewitt, Julie[Hewitt.Julie@epa.gov]; Doley, Todd[Doley.Todd@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]; Massey, Matt[Massey.Matt@epa.gov]; Guignet, Dennis[Guignet.Dennis@epa.gov]; Scodari, Paul F CIV USARMY CEIWR (US)[Paul.F.Scodari@usace.army.mil]; Thomas Hughes[thomas.e.hughes1.civ@mail.mil]; Kwok, Rose[Kwok.Rose@epa.gov]; Jensen, Stacey M CIV USARMY HQDA (US)[Stacey.M.Jensen@usace.army.mil]; Robert.W.Brumbaugh@usace.army.mil[Robert.W.Brumbaugh@usace.army.mil]  
**Cc:** Keating, Jim[Keating.Jim@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Ludwig-Monty, Sarah[ludwig-monty.sarah@epa.gov]; Swackhammer, J-Troy[Swackhammer.J-Troy@epa.gov]; Schlieger, Brian[schlieger.brian@epa.gov]; Carrie Wehling[Wehling.Carrie@epa.gov]  
**From:** Kupchan, Simma  
**Sent:** Thur 4/13/2017 8:54:28 PM  
**Subject:** RE: Incorporating econ questions in the Federalism materials

Thanks for circulating, Julie. I've incorporated my comments. Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** Hewitt, Julie  
**Sent:** Thursday, April 13, 2017 4:22 PM  
**To:** Doley, Todd <Doley.Todd@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Guignet, Dennis <Guignet.Dennis@epa.gov>; Scodari, Paul F CIV USARMY CEIWR (US) <Paul.F.Scodari@usace.army.mil>; Thomas Hughes <thomas.e.hughes1.civ@mail.mil>; Kwok, Rose <Kwok.Rose@epa.gov>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Robert.W.Brumbaugh@usace.army.mil  
**Cc:** Keating, Jim <Keating.Jim@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Schlieger, Brian <schlieger.brian@epa.gov>  
**Subject:** RE: Incorporating econ questions in the Federalism materials

Troy has given me his comments already (thanks!), but here's a link in case others want to see the full .ppt (sorry I should have included this in my first email):

## Nonresponsive Internal URL/ Ex. 6

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**From:** Hewitt, Julie  
**Sent:** Thursday, April 13, 2017 4:01 PM  
**To:** Doley, Todd <doley.todd@epa.gov>; Al McGartland <McGartland.Al@epa.gov>; Massey, Matt (Massey.Matt@epa.gov) <Massey.Matt@epa.gov>; Guignet, Dennis <Guignet.Dennis@epa.gov>; Scodari, Paul F CIV USARMY CEIWR (US) <Paul.F.Scodari@usace.army.mil>; Hughes, Thomas E <thomas.e.hughes1.civ@mail.mil>; Kwok, Rose <Kwok.Rose@epa.gov>; 'Jensen, Stacey M CIV USARMY HQDA (US)' <Stacey.M.Jensen@usace.army.mil>; 'Robert.W.Brumbaugh@usace.army.mil' <Robert.W.Brumbaugh@usace.army.mil>  
**Cc:** Jim Keating <Keating.Jim@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Schlieger, Brian <schlieger.brian@epa.gov>  
**Subject:** Incorporating econ questions in the Federalism materials

Based on our discussion earlier today, and the materials Damaris has already drafted for the Federalism meeting on the 19<sup>th</sup> (this is the correct date), I propose the following changes to the Federalism briefing - and am **soliciting feedback before COB today**:

# Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

I did not copy Damaris - wanted you all to have a chance to comment on this before sending to her. **Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

-----Original Appointment-----

**From:** Hewitt, Julie

**Sent:** Thursday, March 30, 2017 5:36 PM

**To:** Hewitt, Julie; Doley, Todd; Al McGartland; Massey, Matt ([Massey.Matt@epa.gov](mailto:Massey.Matt@epa.gov)); Guignet, Dennis; Scodari, Paul F CIV USARMY CEIWR (US); Hughes, Thomas E; Kwok, Rose; Jensen, Stacey M CIV USARMY HQDA (US); [Robert.W.Brumbaugh@usace.army.mil](mailto:Robert.W.Brumbaugh@usace.army.mil)

**Cc:** Jim Keating; Kupchan, Simma; Downing, Donna; Nickerson, William; Ludwig-Monty, Sarah; Swackhammer, J-Troy; Schlieger, Brian

**Subject:** Weekly WOTUS Econ

**When:** Thursday, April 13, 2017 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** DCRoomWest7301/DC-CCW-OWOW and **Nonresponsive Conference Code/ Ex. 6**

I propose the following for today's agenda:

- **Deliberative Process / Ex. 5**
- Other?

I will try to add an Adobe Connect link in case Troy or Sarah want to walk us through their documents.

**Nonresponsive Internal URL/ Ex. 6**

<< File: Fact sheet -- State no more stringent than provisions.docx >>

**To:** Hewitt, Julie[Hewitt.Julie@epa.gov]  
**From:** Kupchan, Simma  
**Sent:** Thur 4/13/2017 8:29:13 PM  
**Subject:** RE: Incorporating econ questions in the Federalism materials

Thanks!

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** Hewitt, Julie  
**Sent:** Thursday, April 13, 2017 4:23 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Subject:** RE: Incorporating econ questions in the Federalism materials

Actually, it's in the Outreach | Federalism folder. But I did mean to include a link, and just forgot to append it before sending my email. Thanks for the reminder!

---

**From:** Kupchan, Simma  
**Sent:** Thursday, April 13, 2017 4:15 PM  
**To:** Hewitt, Julie <Hewitt.Julie@epa.gov>  
**Subject:** RE: Incorporating econ questions in the Federalism materials

I assume this is in the Economics folder on the sharepoint site? I don't see a document there edited today, though.

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** Hewitt, Julie  
**Sent:** Thursday, April 13, 2017 4:01 PM  
**To:** Doley, Todd <Doley.Todd@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Guignet, Dennis <Guignet.Dennis@epa.gov>; Scodari, Paul F CIV USARMY CEIWR (US) <Paul.F.Scodari@usace.army.mil>; Thomas Hughes <thomas.e.hughes1.civ@mail.mil>; Kwok, Rose <Kwok.Rose@epa.gov>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Robert.W.Brumbaugh@usace.army.mil  
**Cc:** Keating, Jim <Keating.Jim@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Schlieger, Brian <schlieger.brian@epa.gov>  
**Subject:** Incorporating econ questions in the Federalism materials

Based on our discussion earlier today, and the materials Damaris has already drafted for the Federalism meeting on the 19<sup>th</sup> (this is the correct date), I propose the following changes to the Federalism briefing - and am **soliciting feedback before COB today**:

# Deliberative Process / Ex. 5

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

I did not copy Damaris - wanted you all to have a chance to comment on this before sending to her.

**Deliberative Process / Ex. 5**

## Deliberative Process / Ex. 5

-----Original Appointment-----

**From:** Hewitt, Julie

**Sent:** Thursday, March 30, 2017 5:36 PM

**To:** Hewitt, Julie; Doley, Todd; Al McGartland; Massey, Matt ([Massey.Matt@epa.gov](mailto:Massey.Matt@epa.gov)); Guignet, Dennis; Scodari, Paul F CIV USARMY CEIWR (US); Hughes, Thomas E; Kwok, Rose; Jensen, Stacey M CIV USARMY HQDA (US); [Robert.W.Brumbaugh@usace.army.mil](mailto:Robert.W.Brumbaugh@usace.army.mil)

**Cc:** Jim Keating; Kupchan, Simma; Downing, Donna; Nickerson, William; Ludwig-Monty, Sarah; Swackhammer, J-Troy; Schlieger, Brian

**Subject:** Weekly WOTUS Econ

**When:** Thursday, April 13, 2017 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** DCRoomWest7301/DC-CCW-OWOW and **Nonresponsive Conference Code/ Ex. 6**

I propose the following for today's agenda:

- 
- **Deliberative Process / Ex. 5**
- 
- 
- Other?

I will try to add an Adobe Connect link in case Troy or Sarah want to walk us through their documents.

**Nonresponsive Internal URL/ Ex. 6**

<< File: Fact sheet -- State no more stringent than provisions.docx >>

**To:** Wendelowski, Karyn[wendelowski.karyn@epa.gov]  
**From:** Kupchan, Simma  
**Sent:** Fri 3/17/2017 3:19:09 PM  
**Subject:** RE: Revising WOTUS rule

**AWP/DPP/ Ex. 5**

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** Wendelowski, Karyn  
**Sent:** Friday, March 17, 2017 11:16 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Subject:** RE: Revising WOTUS rule

**AWP/DPP/ Ex. 5**

Karyn Wendelowski  
Attorney-Advisor  
Water Law Office  
Office of General Counsel  
(202)564-5493

---

**From:** Kupchan, Simma  
**Sent:** Friday, March 17, 2017 10:45 AM  
**To:** Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** RE: Revising WOTUS rule

**AWP/DPP/ Ex. 5**

Personal Phone / Ex. 6 AWP/DPP/ Ex. 5

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** Wendelowski, Karyn  
**Sent:** Friday, March 17, 2017 10:45 AM  
**To:** Dona, Amy (ENRD) <Amy.Dona@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; Doyle, Andrew (ENRD) <Andrew.Doyle@usdoj.gov>; Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Gunter, David (ENRD) <David.Gunter2@usdoj.gov>; martha.mann@usdoj.gov; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; McCune, Devon Lehman (ENRD) <Devon.McCune@usdoj.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <Kevin.McArdle@usdoj.gov>  
**Subject:** RE: Revising WOTUS rule

**AWP/DPP/ Ex. 5**

Karyn Wendelowski

Attorney-Advisor  
Water Law Office  
Office of General Counsel  
(202)564-5493

---

**From:** Dona, Amy (ENRD) [mailto:Amy.Dona@usdoj.gov]

**Sent:** Friday, March 17, 2017 10:39 AM

**To:** Wendelowski, Karyn <wendelowski.karyn@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; Doyle, Andrew (ENRD) <Andrew.Doyle@usdoj.gov>; Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Gunter, David (ENRD) <David.Gunter2@usdoj.gov>; martha.mann@usdoj.gov; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; McCune, Devon Lehman (ENRD) <Devon.McCune@usdoj.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <Kevin.McArdle@usdoj.gov>

**Subject:** RE: Revising WOTUS rule

**AWP/DPP/ Ex. 5**

---

**From:** Wendelowski, Karyn [mailto:wendelowski.karyn@epa.gov]

**Sent:** Friday, March 17, 2017 10:07 AM

**To:** O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; Doyle, Andrew (ENRD) <ADoyle@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDertke@ENRD.USDOJ.GOV>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>

**Subject:** RE: Revising WOTUS rule

**AWP/DPP/ Ex. 5**

Karyn Wendelowski  
Attorney-Advisor  
Water Law Office  
Office of General Counsel  
(202)564-5493

---

**From:** O'Donnell, Jessica (ENRD) [mailto:Jessica.O'Donnell@usdoj.gov]

**Sent:** Thursday, March 16, 2017 3:45 PM

**To:** Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Doyle, Andrew (ENRD) <Andrew.Doyle@usdoj.gov>; Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Gunter, David (ENRD) <David.Gunter2@usdoj.gov>; Dona, Amy (ENRD) <Amy.Dona@usdoj.gov>; martha.mann@usdoj.gov; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; McCune, Devon Lehman (ENRD) <Devon.McCune@usdoj.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <Kevin.McArdle@usdoj.gov>

**Subject:** RE: Revising WOTUS rule

# AWP/DPP/ Ex. 5

Jessica O'Donnell  
Senior Counsel for Appellate Matters  
Environmental Defense Section  
202.305.0851

**From:** Neumann, Jennifer Scheller (ENRD)

**Sent:** Thursday, March 16, 2017 3:07 PM

**To:** Wendelowski, Karyn <[wendelowski.karyn@epa.gov](mailto:wendelowski.karyn@epa.gov)>; Doyle, Andrew (ENRD) <[ADoyle@ENRD.USDOJ.GOV](mailto:ADoyle@ENRD.USDOJ.GOV)>; Lundman, Robert (ENRD) <[RLundman@ENRD.USDOJ.GOV](mailto:RLundman@ENRD.USDOJ.GOV)>; Gunter, David (ENRD) <[DGunter@ENRD.USDOJ.GOV](mailto:DGunter@ENRD.USDOJ.GOV)>; Dona, Amy (ENRD) <[ADona@ENRD.USDOJ.GOV](mailto:ADona@ENRD.USDOJ.GOV)>; O'Donnell, Jessica (ENRD) <[JO'Donnell@ENRD.USDOJ.GOV](mailto:JO'Donnell@ENRD.USDOJ.GOV)>; Mann, Martha (ENRD) <[MMann@ENRD.USDOJ.GOV](mailto:MMann@ENRD.USDOJ.GOV)>; Dertke, Daniel (ENRD) <[DDertke@ENRD.USDOJ.GOV](mailto:DDertke@ENRD.USDOJ.GOV)>; McCune, Devon Lehman (ENRD) <[DMcCune@ENRD.USDOJ.GOV](mailto:DMcCune@ENRD.USDOJ.GOV)>; Lipshultz, Jon (ENRD) <[JLipshultz@ENRD.USDOJ.GOV](mailto:JLipshultz@ENRD.USDOJ.GOV)>; Boyd, Milt HQ02 <[milt.boyd@usace.army.mil](mailto:milt.boyd@usace.army.mil)>; Inkelas, Daniel HQ02 <[Daniel.Inkelas@usace.army.mil](mailto:Daniel.Inkelas@usace.army.mil)>; [David.R.Cooper@usace.army.mil](mailto:David.R.Cooper@usace.army.mil); Bregman, Lauren R CIV USARMY HQDA OGC (US) <[lauren.r.bregman.civ@mail.mil](mailto:lauren.r.bregman.civ@mail.mil)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <[shahara.t.timbrook.mil@mail.mil](mailto:shahara.t.timbrook.mil@mail.mil)>; [Catherine.b.roy.mil@mail.mil](mailto:Catherine.b.roy.mil@mail.mil); [Craig.r.schmauder.civ@mail.mil](mailto:Craig.r.schmauder.civ@mail.mil); McArdle, Kevin (ENRD) <[KMcArdle@ENRD.USDOJ.GOV](mailto:KMcArdle@ENRD.USDOJ.GOV)>

**Subject:** RE: Revising WOTUS rule

## AWP/DPP/ Ex. 5

**From:** Wendelowski, Karyn [<mailto:wendelowski.karyn@epa.gov>]

**Sent:** Thursday, March 16, 2017 1:17 PM

**To:** Doyle, Andrew (ENRD) <[ADoyle@ENRD.USDOJ.GOV](mailto:ADoyle@ENRD.USDOJ.GOV)>; Lundman, Robert (ENRD) <[RLundman@ENRD.USDOJ.GOV](mailto:RLundman@ENRD.USDOJ.GOV)>; Gunter, David (ENRD) <[DGunter@ENRD.USDOJ.GOV](mailto:DGunter@ENRD.USDOJ.GOV)>; Dona, Amy (ENRD) <[ADona@ENRD.USDOJ.GOV](mailto:ADona@ENRD.USDOJ.GOV)>; O'Donnell, Jessica (ENRD) <[JO'Donnell@ENRD.USDOJ.GOV](mailto:JO'Donnell@ENRD.USDOJ.GOV)>; Mann, Martha (ENRD) <[MMann@ENRD.USDOJ.GOV](mailto:MMann@ENRD.USDOJ.GOV)>; Dertke, Daniel (ENRD) <[DDertke@ENRD.USDOJ.GOV](mailto:DDertke@ENRD.USDOJ.GOV)>; McCune, Devon Lehman (ENRD) <[DMcCune@ENRD.USDOJ.GOV](mailto:DMcCune@ENRD.USDOJ.GOV)>; Lipshultz, Jon (ENRD) <[JLipshultz@ENRD.USDOJ.GOV](mailto:JLipshultz@ENRD.USDOJ.GOV)>; Boyd, Milt HQ02 <[milt.boyd@usace.army.mil](mailto:milt.boyd@usace.army.mil)>; Inkelas, Daniel HQ02 <[Daniel.Inkelas@usace.army.mil](mailto:Daniel.Inkelas@usace.army.mil)>; [David.R.Cooper@usace.army.mil](mailto:David.R.Cooper@usace.army.mil); Bregman, Lauren R CIV USARMY HQDA OGC (US) <[lauren.r.bregman.civ@mail.mil](mailto:lauren.r.bregman.civ@mail.mil)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Neumann, Jennifer Scheller (ENRD) <[JNeumann@ENRD.USDOJ.GOV](mailto:JNeumann@ENRD.USDOJ.GOV)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <[shahara.t.timbrook.mil@mail.mil](mailto:shahara.t.timbrook.mil@mail.mil)>; [Catherine.b.roy.mil@mail.mil](mailto:Catherine.b.roy.mil@mail.mil); [Craig.r.schmauder.civ@mail.mil](mailto:Craig.r.schmauder.civ@mail.mil); McArdle, Kevin (ENRD) <[KMcArdle@ENRD.USDOJ.GOV](mailto:KMcArdle@ENRD.USDOJ.GOV)>

**Subject:** Revising WOTUS rule

# AWP/DPP/ Ex. 5

Karyn

**To:** Wendelowski, Karyn[wendelowski.karyn@epa.gov]  
**From:** Kupchan, Simma  
**Sent:** Fri 3/17/2017 2:45:22 PM  
**Subject:** RE: Revising WOTUS rule

**AWP/DPP/ Ex. 5**

Personal Phone / Ex. 6

**AWP/DPP/ Ex. 5**

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** Wendelowski, Karyn

**Sent:** Friday, March 17, 2017 10:45 AM

**To:** Dona, Amy (ENRD) <Amy.Dona@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; Doyle, Andrew (ENRD) <Andrew.Doyle@usdoj.gov>; Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Gunter, David (ENRD) <David.Gunter2@usdoj.gov>; martha.mann@usdoj.gov; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; McCune, Devon Lehman (ENRD) <Devon.McCune@usdoj.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <Kevin.McArdle@usdoj.gov>

**Subject:** RE: Revising WOTUS rule

**AWP/DPP/ Ex. 5**

Karyn Wendelowski  
Attorney-Advisor  
Water Law Office  
Office of General Counsel  
(202)564-5493

---

**From:** Dona, Amy (ENRD) [mailto:Amy.Dona@usdoj.gov]

**Sent:** Friday, March 17, 2017 10:39 AM

**To:** Wendelowski, Karyn <wendelowski.karyn@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; Doyle, Andrew (ENRD) <Andrew.Doyle@usdoj.gov>; Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Gunter, David (ENRD) <David.Gunter2@usdoj.gov>; martha.mann@usdoj.gov; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; McCune, Devon Lehman (ENRD) <Devon.McCune@usdoj.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <Kevin.McArdle@usdoj.gov>

**Subject:** RE: Revising WOTUS rule

**AWP/DPP/ Ex. 5**

---

**From:** Wendelowski, Karyn [mailto:wendelowski.karyn@epa.gov]

**Sent:** Friday, March 17, 2017 10:07 AM

**To:** O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Neumann, Jennifer Scheller (ENRD) <JNeumann@ENRD.USDOJ.GOV>; Doyle, Andrew (ENRD) <ADoyle@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; Dona, Amy (ENRD)

<ADona@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDertke@ENRD.USDOJ.GOV>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>

**Subject:** RE: Revising WOTUS rule

## AWP/DPP/ Ex. 5

Karyn Wendelowski  
Attorney-Advisor  
Water Law Office  
Office of General Counsel  
(202)564-5493

**From:** O'Donnell, Jessica (ENRD) [mailto:Jessica.O'Donnell@usdoj.gov]

**Sent:** Thursday, March 16, 2017 3:45 PM

**To:** Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Doyle, Andrew (ENRD) <Andrew.Doyle@usdoj.gov>; Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Gunter, David (ENRD) <David.Gunter2@usdoj.gov>; Dona, Amy (ENRD) <Amy.Dona@usdoj.gov>; martha.mann@usdoj.gov; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; McCune, Devon Lehman (ENRD) <Devon.McCune@usdoj.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <Kevin.McArdle@usdoj.gov>

**Subject:** RE: Revising WOTUS rule

## AWP/DPP/ Ex. 5

Jessica O'Donnell  
Senior Counsel for Appellate Matters  
Environmental Defense Section  
202.305.0851

**From:** Neumann, Jennifer Scheller (ENRD)

**Sent:** Thursday, March 16, 2017 3:07 PM

**To:** Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Doyle, Andrew (ENRD) <ADoyle@ENRD.USDOJ.GOV>; Lundman, Robert (ENRD) <RLundman@ENRD.USDOJ.GOV>; Gunter, David (ENRD) <DGunter@ENRD.USDOJ.GOV>; Dona, Amy (ENRD) <ADona@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Mann, Martha (ENRD) <MMann@ENRD.USDOJ.GOV>; Dertke, Daniel (ENRD) <DDertke@ENRD.USDOJ.GOV>; McCune, Devon Lehman (ENRD) <DMcCune@ENRD.USDOJ.GOV>; Lipshultz, Jon (ENRD) <JLipshultz@ENRD.USDOJ.GOV>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <KMcArdle@ENRD.USDOJ.GOV>

**Subject:** RE: Revising WOTUS rule

Thanks, Karen. Appellate is available tomorrow at 11. It will be me, Katherine Hazard, and hopefully Bob Lundman.

**From:** Wendelowski, Karyn [<mailto:wendelowski.karyn@epa.gov>]

**Sent:** Thursday, March 16, 2017 1:17 PM

**To:** Doyle, Andrew (ENRD) <[ADoyle@ENRD.USDOJ.GOV](mailto:ADoyle@ENRD.USDOJ.GOV)>; Lundman, Robert (ENRD) <[RLundman@ENRD.USDOJ.GOV](mailto:RLundman@ENRD.USDOJ.GOV)>; Gunter, David (ENRD) <[DGunter@ENRD.USDOJ.GOV](mailto:DGunter@ENRD.USDOJ.GOV)>; Dona, Amy (ENRD) <[ADona@ENRD.USDOJ.GOV](mailto:ADona@ENRD.USDOJ.GOV)>; O'Donnell, Jessica (ENRD) <[JO'Donnell@ENRD.USDOJ.GOV](mailto:JO'Donnell@ENRD.USDOJ.GOV)>; Mann, Martha (ENRD) <[MMann@ENRD.USDOJ.GOV](mailto:MMann@ENRD.USDOJ.GOV)>; Dertke, Daniel (ENRD) <[DDertke@ENRD.USDOJ.GOV](mailto:DDertke@ENRD.USDOJ.GOV)>; McCune, Devon Lehman (ENRD) <[DMcCune@ENRD.USDOJ.GOV](mailto:DMcCune@ENRD.USDOJ.GOV)>; Lipshultz, Jon (ENRD) <[JLipshultz@ENRD.USDOJ.GOV](mailto:JLipshultz@ENRD.USDOJ.GOV)>; Boyd, Milt HQ02 <[milt.boyd@usace.army.mil](mailto:milt.boyd@usace.army.mil)>; Inkelas, Daniel HQ02 <[Daniel.Inkelas@usace.army.mil](mailto:Daniel.Inkelas@usace.army.mil)>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <[lauren.r.bregman.civ@mail.mil](mailto:lauren.r.bregman.civ@mail.mil)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Neumann, Jennifer Scheller (ENRD) <[JNeumann@ENRD.USDOJ.GOV](mailto:JNeumann@ENRD.USDOJ.GOV)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <[shahara.t.timbrook.mil@mail.mil](mailto:shahara.t.timbrook.mil@mail.mil)>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil; McArdle, Kevin (ENRD) <[KMcArdle@ENRD.USDOJ.GOV](mailto:KMcArdle@ENRD.USDOJ.GOV)>

**Subject:** Revising WOTUS rule

# AWP/DPP/ Ex. 5

Karyn

**To:** Kwok, Rose[Kwok.Rose@epa.gov]  
**From:** Kupchan, Simma  
**Sent:** Thur 3/9/2017 4:46:03 PM  
**Subject:** FW: Region 9 media inquiry -- ABC10 News re: WOTUS

Here are the edits I made to that paragraph. Thanks for catching!

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** Kupchan, Simma  
**Sent:** Wednesday, March 08, 2017 4:09 PM  
**To:** regionalpress <regionalpress@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** RE: Region 9 media inquiry -- ABC10 News re: WOTUS

Here are my edits. Please let me know if you have any questions.

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

**From:** regionalpress  
**Sent:** Wednesday, March 08, 2017 11:40 AM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** FW: Region 9 media inquiry -- ABC10 News re: WOTUS

Another one for your review ..thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  
**Personal Phone / Ex. 6**

---

**From:** Loop, Travis  
**Sent:** Wednesday, March 08, 2017 11:01 AM  
**To:** regionalpress <regionalpress@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>  
**Cc:** Fuld, John <Fuld.John@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>  
**Subject:** RE: Region 9 media inquiry -- ABC10 News re: WOTUS

This is the response:

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

Travis Loop  
Director of Communications  
Office of Water  
U.S. Environmental Protection Agency  
202-870-6922  
[loop.travis@epa.gov](mailto:loop.travis@epa.gov)

---

**From:** regionalpress  
**Sent:** Wednesday, March 08, 2017 10:26 AM  
**To:** Loop, Travis <[Loop.Travis@epa.gov](mailto:Loop.Travis@epa.gov)>; Dennis, Allison <[Dennis.Allison@epa.gov](mailto:Dennis.Allison@epa.gov)>  
**Subject:** FW: Region 9 media inquiry -- ABC10 News re: WOTUS

Sorry if this is a dupe -- can you help with this one?

Thanks ng

**Nancy Grantham**  
Office of Public Affairs  
US Environmental Protection Agency  
202-564-6879 (desk)

**Personal Phone / Ex. 6**

---

**From:** Keener, Bill  
**Sent:** Thursday, March 02, 2017 3:04 PM  
**To:** regionalpress <[regionalpress@epa.gov](mailto:regionalpress@epa.gov)>  
**Cc:** Zito, Kelly <[ZITO.KELLY@EPA.GOV](mailto:ZITO.KELLY@EPA.GOV)>  
**Subject:** Region 9 media inquiry -- ABC10 News re: WOTUS

Just came in ...I assume you can handle?

---

**Bill Keener**  
Office of Public Affairs  
U.S. EPA - Region 9  
San Francisco, CA  
Phone: (415) 972-3940

---

**From:** Moore, Sarah [<mailto:smoore2@abc10.com>]  
**Sent:** Thursday, March 02, 2017 12:01 PM  
**To:** Keener, Bill <[Keener.Bill@epa.gov](mailto:Keener.Bill@epa.gov)>  
**Subject:** Press Inquiry

Hi Bill,  
I'm writing something about Trump's executive order this week regarding Clean Water Act rules. I've been reading various things on the Internet from different sources (New York Times, environmental groups, your website) and I just want to make sure I am characterizing the background of the Waters of the United States rule correctly.

My understanding is that the Clean Water Act refers to "navigable waters," like rivers and bays, but that for many years the act was broadly applied to include small streams and wetlands, because of course pollution to these doesn't just stay where it is, but flows into the rivers and bays. However, due to changes in EPA practice during the Bush administration and two Supreme Court decisions (in 2001 and 2006) the agency shifted its focus away from upstream offenders, because of the difficulty in holding them

accountable.

The Waters of the United States rule was crafted to clarify the issue under the law and establish the federal government's right to limit pollution in smaller water bodies including small streams and ditches.

If I have mischaracterized any of this or there is additional clarification or context you think important, please let me know.

Thanks,

Sarah Moore  
Digital Journalist  
ABC10 News  
[Smoores2@abc10.com](mailto:Smoores2@abc10.com)

**Ex. 6**

**To:** regionalpress[regionalpress@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]  
**From:** Kupchan, Simma  
**Sent:** Wed 3/8/2017 9:09:24 PM  
**Subject:** RE: Region 9 media inquiry -- ABC10 News re: WOTUS

Here are my edits. Please let me know if you have any questions.

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

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**Sent:** Wednesday, March 08, 2017 11:40 AM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
**Subject:** FW: Region 9 media inquiry -- ABC10 News re: WOTUS

Another one for your review ..thanks ng

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**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**

**Personal Phone / Ex. 6**

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**From:** Loop, Travis  
**Sent:** Wednesday, March 08, 2017 11:01 AM  
**To:** regionalpress <regionalpress@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>  
**Cc:** Fuld, John <Fuld.John@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>  
**Subject:** RE: Region 9 media inquiry -- ABC10 News re: WOTUS

This is the response:

**Deliberative Process / Ex. 5**

Travis Loop  
Director of Communications  
Office of Water  
U.S. Environmental Protection Agency  
202-870-6922  
[loop.travis@epa.gov](mailto:loop.travis@epa.gov)

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**To:** Loop, Travis <[Loop.Travis@epa.gov](mailto:Loop.Travis@epa.gov)>; Dennis, Allison <[Dennis.Allison@epa.gov](mailto:Dennis.Allison@epa.gov)>  
**Subject:** FW: Region 9 media inquiry -- ABC10 News re: WOTUS

Sorry if this is a dupe -- can you help with this one?

Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**

**Personal Phone / Ex. 6**

---

**From:** Keener, Bill  
**Sent:** Thursday, March 02, 2017 3:04 PM  
**To:** regionalpress <[regionalpress@epa.gov](mailto:regionalpress@epa.gov)>  
**Cc:** Zito, Kelly <[ZITO.KELLY@EPA.GOV](mailto:ZITO.KELLY@EPA.GOV)>  
**Subject:** Region 9 media inquiry -- ABC10 News re: WOTUS

Just came in ...I assume you can handle?

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**Bill Keener**

Office of Public Affairs  
U.S. EPA - Region 9  
San Francisco, CA  
Phone: (415) 972-3940

---

**From:** Moore, Sarah [<mailto:smoore2@abc10.com>]  
**Sent:** Thursday, March 02, 2017 12:01 PM  
**To:** Keener, Bill <[Keener.Bill@epa.gov](mailto:Keener.Bill@epa.gov)>  
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Thanks,

Sarah Moore  
Digital Journalist  
ABC10 News  
[Smoore2@abc10.com](mailto:Smoore2@abc10.com)

**Ex. 6**

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Kupchan, Simma  
**Sent:** Wed 3/8/2017 6:36:54 PM  
**Subject:** RE: Region 9 media inquiry -- ABC10 News re: WOTUS

Reviewing right now. Thanks.

Simma Kupchan  
Water Law Office  
US EPA Office of General Counsel  
William Jefferson Clinton Building North Room 7426Q  
(p) 202-564-3105

---

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**Sent:** Wednesday, March 08, 2017 11:40 AM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>  
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**Office of Public Affairs**  
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**Cc:** Fuld, John <Fuld.John@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>  
**Subject:** RE: Region 9 media inquiry -- ABC10 News re: WOTUS

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**Deliberative Process / Ex. 5**

Travis Loop  
Director of Communications  
Office of Water  
U.S. Environmental Protection Agency  
202-870-6922  
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**Office of Public Affairs**  
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**Personal Phone / Ex. 6**

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**Cc:** Zito, Kelly <[ZITO.KELLY@EPA.GOV](mailto:ZITO.KELLY@EPA.GOV)>  
**Subject:** Region 9 media inquiry -- ABC10 News re: WOTUS

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---

**Bill Keener**

Office of Public Affairs  
U.S. EPA - Region 9  
San Francisco, CA  
Phone: (415) 972-3940

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**Sent:** Thursday, March 02, 2017 12:01 PM  
**To:** Keener, Bill <[Keener.Bill@epa.gov](mailto:Keener.Bill@epa.gov)>  
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If I have mischaracterized any of this or there is additional clarification or context you think important, please let me know.

Thanks,

Sarah Moore  
Digital Journalist  
ABC10 News  
[smoore2@abc10.com](mailto:smoore2@abc10.com)

**Ex. 6**

**Organizer:** Gelber, Bruce (ENRD)[Bruce.Gelber@usdoj.gov]  
**From:** Gelber, Bruce (ENRD)  
**Location:** RFK 2143 - Call in Nonresponsive Conference Code/ Ex. 6  
**Importance:** Normal  
**Subject:** Options for Revising WOTUS Rule  
**Start Time:** Fri 3/17/2017 7:00:00 PM  
**End Time:** Fri 3/17/2017 8:00:00 PM  
**Required Attendees:** Grishaw, Letitia (ENRD); O'Donnell, Jessica (ENRD); Doyle, Andrew (ENRD); martha.mann@usdoj.gov; Neumann, Jennifer Scheller (ENRD); craig.r.schmauder.civ@mail.mil; 'Cooper, David R SES HQ02'; Schwab, Justin; Minoli, Kevin; Greenwalt, Sarah; Neugeboren, Steven; Wendelowski, Karyn; Wehling, Carrie; Hazard, Katherine (ENRD); Thode, Anna (ENRD); Wood, Jeffrey (ENRD); Middleton, Brandon (ENRD)

All visitors to the Robert F. Kennedy Justice Department Building must enter via the Constitution Avenue center entrance located between 9<sup>th</sup> & 10<sup>th</sup> Streets, NW and will need to show a photo ID.

Message

---

**From:** Greenwalt, Sarah [greenwalt.sarah@epa.gov]  
**Sent:** 5/8/2017 4:45:35 PM  
**To:** bruce.gelber@usdoj.gov  
**CC:** Minoli, Kevin [Minoli.Kevin@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Middleton, Brandon (ENRD) [Brandon.Middleton@usdoj.gov]; Wood, Jeffrey (ENRD) [Jeffrey.Wood@usdoj.gov]; Grant, Eric (ENRD) [Eric.Grant@usdoj.gov]  
**Subject:** **AWP/DPP/ Ex. 5**

# AWP/DPP/ Ex. 5

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency  
Work: 202-564-1722 | Cell: **Personal Phone / Ex. 6**  
Greenwalt.Sarah@epa.gov

---

**From:** Gelber, Bruce (ENRD) [mailto:Bruce.Gelber@usdoj.gov]  
**Sent:** Monday, May 8, 2017 12:17 PM  
**To:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Middleton, Brandon (ENRD) <Brandon.Middleton@usdoj.gov>; Wood, Jeffrey (ENRD) <Jeffrey.Wood@usdoj.gov>; Grant, Eric (ENRD) <Eric.Grant@usdoj.gov>  
**Subject:** **AWP/DPP/ Ex. 5**

# AWP/DPP/ Ex. 5

---

Bruce S. Gelber  
Deputy Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W., Room 2609  
Washington, D.C. 20530-0001  
Phone: (202) 514-4624  
Facsimile: (202) 514-0557

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**Organizer:** bruce.gelber@usdoj.gov[bruce.gelber@usdoj.gov]  
**From:** Gelber, Bruce (ENRD)  
**Location:** RFK 2143 - Call in Nonresponsive Conference Code/ Ex. 6  
**Importance:** Normal  
**Subject:** Options for Revising WOTUS Rule  
**Start Time:** Fri 3/17/2017 7:00:00 PM  
**End Time:** Fri 3/17/2017 8:00:00 PM  
**Required Attendees:** Grishaw, Letitia (ENRD); O'Donnell, Jessica (ENRD); Doyle, Andrew (ENRD); martha.mann@usdoj.gov; Neumann, Jennifer Scheller (ENRD); craig.r.schmauder.civ@mail.mil; 'Cooper, David R SES HQ02'; Schwab, Justin; Minoli, Kevin; Greenwalt, Sarah; Neugeboren, Steven; Wendelowski, Karyn; Wehling, Carrie; Hazard, Katherine (ENRD); Thode, Anna (ENRD); Wood, Jeffrey (ENRD); Middleton, Brandon (ENRD)

All visitors to the Robert F. Kennedy Justice Department Building must enter via the Constitution Avenue center entrance located between 9<sup>th</sup> & 10<sup>th</sup> Streets, NW and will need to show a photo ID.

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Neugeboren, Steven  
**Sent:** Sun 3/19/2017 8:44:08 PM  
**Subject:** Re: draft email to sarah

Ok. Let me check with my folks about time. I would prefer earlier if they are available. Thanks.

Sent from my iPhone  
Steven Neugeboren  
Associate General Counsel  
United States Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington DC. 20460  
202-564-5488

On Mar 19, 2017, at 2:29 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Great. I can be available at 9:00-9:30 or 10:15-11:00 tomorrow.

## Deliberative Process / attorney client Ex. 5

Thank you. Kevin

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 2:24 PM, Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)> wrote:

## Deliberative Process / attorney client Ex. 5

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
U.S Environmental Protection Agency  
202-564-5488  
301-728-7899 (c)

---

**From:** Minoli, Kevin  
**Sent:** Sunday, March 19, 2017 1:49 PM

**To:** Neugeboren, Steven  
**Subject:** Re: draft email to sarah

## **Deliberative Process / attorney client Ex. 5**

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 1:42 PM, Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)> wrote:

Ok.

**Deliberative Process / attorney client Ex. 5**

Deliberative Process / attorney client Ex. 5

Sent from my iPhone  
Steven Neugeboren  
Associate General Counsel  
United States Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington DC. 20460  
202-564-5488

On Mar 19, 2017, at 1:29 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

I'm sorry, I was focused on the other email and didn't see this until now, but call at any point.

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 12:07 PM, Neugeboren, Steven  
<[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)> wrote:

Would it be efficient to get on the phone now for a couple of minutes to talk next steps?

Sent from my iPhone  
Steven Neugeboren  
Associate General Counsel  
United States Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington DC. 20460  
202-564-5488

On Mar 19, 2017, at 12:03 PM, Minoli, Kevin  
<[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Steve- Thanks for your response

Deliberative Process / attorney client Ex. 5

**Deliberative Process / attorney client Ex. 5**

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 11:36 AM, Neugeboren, Steven  
<[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)> wrote:

**Deliberative Process / attorney client Ex. 5**

Steven Neugeboren

Associate General Counsel  
Water Law Office  
U.S Environmental Protection Agency  
202-564-5488

Personal Phone / Ex. 6 (C)

---

**From:** Minoli, Kevin  
**Sent:** Sunday, March 19, 2017 9:38 AM  
**To:** Neugeboren, Steven  
**Subject:** Re: draft email to sarah

**Deliberative Process / attorney client Ex. 5**

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection  
Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 1:37 AM,  
Neugeboren, Steven  
<[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>  
wrote:

**Deliberative Process / attorney client Ex. 5**

Deliberative Process / attorney client Ex. 5

**Deliberative Process / attorney client Ex. 5**

Deliberative Process / attorney client Ex. 5

Steven Neugeboren

Associate General  
Counsel

Water Law Office

Environmental  
Protection Agency

202-564-5488

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Neugeboren, Steven  
**Sent:** Sun 3/19/2017 5:33:20 PM  
**Subject:** Re: draft email to sarah

## Deliberative Process / attorney client Ex. 5

Feel free to call my work phone anytime today and it will ring my cell.

Sent from my iPhone  
Steven Neugeboren  
Associate General Counsel  
United States Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington DC. 20460  
202-564-5488

On Mar 19, 2017, at 12:03 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Steve- Thanks for your response

**Deliberative Process / attorney client Ex. 5**

## Deliberative Process / attorney client Ex. 5

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 11:36 AM, Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)> wrote:

## Deliberative Process / attorney client Ex. 5

# Deliberative Process / attorney client Ex. 5

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
U.S Environmental Protection Agency  
202-564-5488

Personal Phone / Ex. 6 (c)

---

**From:** Minoli, Kevin  
**Sent:** Sunday, March 19, 2017 9:38 AM  
**To:** Neugeboren, Steven  
**Subject:** Re: draft email to sarah

# Deliberative Process / attorney client Ex. 5

# **Deliberative Process / attorney client Ex. 5**

# **Deliberative Process / attorney client Ex. 5**

# **Deliberative Process / attorney client Ex. 5**

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 1:37 AM, Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)> wrote:

# **Deliberative Process / attorney client Ex. 5**

**Deliberative Process / attorney client Ex. 5**

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**Deliberative Process / attorney client Ex. 5**

**Deliberative Process / attorney client Ex. 5**

# Deliberative Process / attorney client Ex. 5

Steven Neugeboren

Associate General Counsel

Water Law Office

Environmental Protection Agency

202-564-5488

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Neugeboren, Steven  
**Sent:** Sun 3/19/2017 4:06:09 PM  
**Subject:** Re: draft email to sarah

Ok

Sent from my iPhone  
Steven Neugeboren  
Associate General Counsel  
United States Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington DC. 20460  
202-564-5488

On Mar 19, 2017, at 12:03 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

Steve- Thanks for your response

**Deliberative Process / attorney client Ex. 5**

**Deliberative Process / attorney client Ex. 5**

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 11:36 AM, Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)> wrote:

**Deliberative Process / attorney client Ex. 5**

**Deliberative Process / attorney client Ex. 5**

Steven Neugeboren  
Associate General Counsel  
Water Law Office  
U.S Environmental Protection Agency  
202-564-5488

Personal Phone / Ex. 6 (c)

---

**From:** Minoli, Kevin  
**Sent:** Sunday, March 19, 2017 9:38 AM  
**To:** Neugeboren, Steven  
**Subject:** Re: draft email to sarah

**Deliberative Process / attorney client Ex. 5**

# **Deliberative Process / attorney client Ex. 5**

# **Deliberative Process / attorney client Ex. 5**

Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Mar 19, 2017, at 1:37 AM, Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)> wrote:

**Deliberative Process / attorney client Ex. 5**

# **Deliberative Process / attorney client Ex. 5**

Steven Neugeboren

Associate General Counsel

Water Law Office

Environmental Protection Agency



**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]; Konkus, John[konkus.john@epa.gov]; Hull, George[Hull.George@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Tue 2/28/2017 6:03:47 PM  
**Subject:** FW: Essentially final version of the FR Notice  
CWR FR notice draft 2-27.12.45pm.docx

Thanks .. do we have direction on what we would post on the web at this point – as discussed yesterday? Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  
Personal Phone / Ex. 6 (mobile)

---

**From:** Minoli, Kevin  
**Sent:** Tuesday, February 28, 2017 12:45 PM  
**To:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>  
**Cc:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Hull, George <Hull.George@epa.gov>  
**Subject:** Essentially final version of the FR Notice

All- Attached is the version that we will move into the signature process: Attorney Client / DPP - Ex. 5 Kevin

**Kevin S. Minoli**  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

**To:** Neugeboren, Steven[Neugeboren.Steven@epa.gov]  
**From:** Minoli.Kevin@epa.gov  
**Sent:** Sun 3/19/2017 1:29:17 PM  
**Subject:** Re: draft email to sarah

**Deliberative Process / attorney client Ex. 5**

# Deliberative Process / attorney client Ex. 5

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

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# Deliberative Process / attorney client Ex. 5